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Ontario. Statutes

1884

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FORTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the First Session of the Fourth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE SEVENTH DAY OF JANUARY, IN THE YEAR OF OUR LORD
ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

1880



212049
9:5:27

HIS HONOUR
THE HONOURABLE DONALD A. MACDONALD,
LIEUTENANT-GOVERNOR.

Toronto:

PRINTED BY JOHN NOTMAN,

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1880.

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C. B. ROBINSON,
JORDAN ST., TORONTO.

BOUND BY
W. WARWICK,
WELLINGTON ST., TORONTO.



ANNO QUADRAGESIMO TERTIO.

VICTORIÆ REGINÆ.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty, and for other purposes therein mentioned.

[Assented to 5th March, 1880.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by Messages from His Honour the Preamble.
Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and eighty : May it therefore please Your Majesty that it may be enacted, And it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of Two millions three hundred and seventy-three thousand and three dollars and eighty-three cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty, as set forth in Schedule "A" to this Act.

\$2,373,003.83 granted out of the Consolidated Revenue Fund for certain purposes.

Accounts to be laid before the Legislature. 2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys. 3. Any part of the money appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty, shall not be expended thereafter.

Expenditure to be accounted to Her Majesty. 4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray expenses of the several Departments at Toronto.

| | |
|---|--------------------|
| Government House | \$5,580 00 |
| Lieutenant-Governor's Office..... | 3,350 00 |
| Executive Council and Attorney-General's Office | 14,470 00 |
| Education Department | 20,800 00 |
| Crown Lands Department..... | 44,950 00 |
| Department of Public Works | 19,172 00 |
| Treasury Department | 17,450 00 |
| Department of Agriculture | 1,400 00 |
| Inspection of Public Institutions..... | 7,450 00 |
| Secretary and Registrar's Office | 25,625 00 |
| Department of Immigration..... | 1,400 00 |
| Miscellaneous | 13,850 00 |
| | <hr/> \$175,497 00 |

LEGISLATION.

| | |
|--|------------|
| To defray expenses for Legislation | 108,800 00 |
|--|------------|

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

| | |
|---|------------------|
| Court of Chancery..... | 20,595 00 |
| Court of Queen's Bench..... | 9,620 00 |
| Court of Common Pleas | 5,310 00 |
| Superior Judges and Court of Appeal | 16,300 00 |
| Practice and other Courts | 4,900 00 |
| Criminal Justice..... | 164,000 00 |
| Miscellaneous Justice | 66,875 00 |
| | <hr/> 287,600 00 |
| | Education. |

EDUCATION.

To defray expenses of:—

| | |
|---|------------------|
| Public and Separate Schools | \$240,000 00 |
| Inspection of Public and Separate Schools | 29,630 00 |
| Schools in New and Poor Townships | 13,500 00 |
| Collegiate Institutes and High Schools | 83,000 00 |
| Inspection of Collegiate and High Schools | 7,400 00 |
| Departmental Examinations | 7,600 00 |
| Training of Public School Teachers | 19,539 10 |
| Superannuated High and Public School Teachers | 42,400 00 |
| Normal and Model Schools, Toronto | 21,975 00 |
| Normal School, Ottawa | 12,174 00 |
| Educational Museum and Library | 1,650 00 |
| Maps, Apparatus, etc. | 12,000 00 |
| Educational Depository | 8,135 00 |
| Miscellaneous Expenses of Education | 1,966 83 |
| | <hr/> 500,969 93 |

PUBLIC INSTITUTIONS—MAINTENANCE.

To defray expenses of:—

| | |
|---|--------------------|
| Asylum for the Insane, Toronto | \$83,238 00 |
| Asylum for the Insane, London | 103,962 00 |
| Asylum for the Insane, Kingston | 55,214 00 |
| Asylum for the Insane, Hamilton | 45,983 00 |
| Asylum for the Insane, Orillia | 20,574 00 |
| Provincial Reformatory, Penetanguishene | 29,664 00 |
| Central Prison, Toronto | 62,070 00 |
| Institution for the Deaf and Dumb, Belleville | 88,033 00 |
| Institution for the Blind, Brantford | 30,139 00 |
| School of Agriculture, Guelph | 23,750 00 |
| School of Practical Science, Toronto | 5,400 00 |
| Mercer Reformatory for Females, Toronto | 11,582 00 |
| | <hr/> \$509,609 00 |

IMMIGRATION.

To defray expenses of:—

| | |
|---|-------------------|
| Agencies in Europe | 4,600 00 |
| Agencies in Canada | 3,350 00 |
| Dominion Government for services by its Agents | 20,000 00 |
| Carriage of Immigrants in Ontario, including Main- tenance | 8,000 00 |
| Provisions for same, including Medical attendance | 9,000 00 |
| Immigration pamphlets | 5,500 00 |
| Contingencies | 1,000 00 |
| | <hr/> \$51,450 00 |

AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of:—

| | |
|---|-------------|
| Electoral Division Societies, 81 at \$700 | \$56,700 00 |
| Electoral Division Society, 1 at 550 | 550 00 |

Electoral

| | |
|--|------------|
| Electoral Division Societies, 6 at 350 | \$2,100 00 |
| “ “ “ outlying Districts | 300 00 |
| Fruit Growers' Association | 1,800 00 |
| Entomological Society | 1,000 00 |
| Dairymens' Associations | 3,000 00 |
| Agricultural Association | 10,000 00 |
| Statistical Bureau | 1,000 00 |
| Poultry Associations | 700 00 |
| For sundry services in connection with Agriculture and Arts, such as investigation of diseases in animals and crops, and of ravages of insects; and for agri- cultural instruction, dairy products, and other charges not otherwise provided for | 2,000 00 |

ARTS:

| | |
|---|-----------|
| Mechanics' Institutes | 27,000 00 |
| Art Union, Toronto | 500 00 |
| School of Art and Design, Toronto | 1,100 00 |
| School of Art and Design, London | 500 00 |
| Ontario School of Art and Design, Toronto (Special) | 3,400 00 |

LITERARY:

| | |
|-----------------------------------|--------------------|
| Canadian Institute, Toronto | 750 00 |
| Institut Canadien, Ottawa | 300 00 |
| Athenæum, Ottawa | 300 00 |
| | <hr/> \$113,000 00 |

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of:—

| | |
|---|-------------------|
| Hospitals and Institutions mentioned in Schedule A of Statute, 37 Vic., chap. 33 | \$44,514 76 |
| Institutions in Schedule B | 15,891 43 |
| Institutions in Schedule C | 12,426 44 |
| | <hr/> \$72,832 63 |

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure as follows:—

| | |
|--|------------|
| License Law | \$2,000 00 |
| Collection of revenue for law stamps and licenses | 1,500 00 |
| Marriage Licenses | 400 00 |
| Ontario Rifle Association | 600 00 |
| Insurance of Public Buildings and Furniture | 1,000 00 |
| Expenses of Elections | 2,000 00 |
| Expenses of Contested Elections | 1,000 00 |
| Revision Voters' Lists | 1,000 00 |
| Gratuities | 31,374 83 |
| Allowance to late Superintendent of Education | 4,000 00 |
| Brock's Monument | 500 00 |
| Allowance to Counties under provisions of 30 Vic. c. 31. | 2,232 50 |
| Grant to aid in establishing a market for Ontario manu- factures and agricultural products in European and Foreign Countries | 4,500 00 |

| | | |
|---|-----------|-------------|
| Aid to <i>Sanitary Journal</i> | \$800 00 | |
| Telephone Service | 400 00 | |
| Expenses taking Insane People to Asylums, and Boys and Females to Reformatories | 5,250 00 | |
| Expenses of Agricultural Commission | 5,000 00 | |
| For the relief of the distress in Ireland | 20,000 00 | |
| To defray the expenses of maintaining the rights of the Province to the territory recently awarded | 10,000 00 | |
| | <hr/> | \$93,557 33 |

PUBLIC BUILDINGS.

| | | |
|--|-------------|------------|
| To defray expenses at the works at the Asylum for the Insane, Toronto | \$10,215 00 | |
| Asylum for the Insane, London | 6,190 00 | |
| “ “ “ Hamilton | 12,200 00 | |
| “ “ “ Kingston | 13,900 00 | |
| “ “ Idiots, Orillia | 1,025 00 | |
| Reformatory, Penetanguishene | 25,254 88 | |
| Reformatory for Females, Toronto | 14,014 00 | |
| Central Prison, Toronto | 1,650 00 | |
| Deaf and Dumb Institute, Belleville | 4,762 00 | |
| Blind Institute, Brantford | 1,895 88 | |
| School of Agriculture, Guelph | 24,000 00 | |
| Normal School and Education Office, Toronto | 1,650 00 | |
| Normal School, Ottawa | 23,935 00 | |
| School of Practical Science, Toronto | 4,359 00 | |
| Osgoode Hall, Toronto | 1,500 00 | |
| Government House, Toronto | 3,000 00 | |
| Parliament Buildings | 1,500 00 | |
| District of Algoma | 1,225 00 | |
| Thunder Bay District | 1,500 00 | |
| Nipissing District | 200 00 | |
| Muskoka District | 2,800 00 | |
| New Territory | 3,000 00 | |
| | <hr/> | 159,775 76 |

PUBLIC WORKS.

| | | |
|--|------------|-----------|
| To defray expenses at Muskoka River | \$7,800 00 | |
| Mary's and Fairy Lakes | 1,400 00 | |
| Gull and Burnt Rivers | 8,000 00 | |
| Surveys, Inspections and Arbitrations | 5,000 00 | |
| Locks, Dams and Swing Bridges | 5,700 00 | |
| Lock-masters' and Bridge-tenders' Salaries | 2,000 00 | |
| Otonabee River Works | 2,000 00 | |
| Bridge at Des Joachim's Rapids | 4,000 00 | |
| Dam at Mountain Lake | 1,500 00 | |
| | <hr/> | 37,400 00 |

COLONIZATION ROADS.

| | |
|--|-----------|
| To defray expenses of Construction and Repairs | 95,250 00 |
|--|-----------|

CROWN LANDS EXPENDITURE.

| | |
|--|-----------|
| To defray expenses on account of Crown Lands | 73,000 00 |
| Refunds. | |

REFUNDS.

To defray the expenses of:—

| | | |
|-----------------------------|------------|-----------------|
| Education | \$1,000 00 | |
| Crown Lands | 16,000 00 | |
| Municipalities' Fund | 16,149 20 | |
| Land Improvement Fund | 11,112 98 | |
| | | <hr/> 44,262 18 |

UNFORESEEN AND UNPROVIDED.

| | |
|---|----------------------|
| To meet unforeseen and unprovided | 50,000 00 |
| Total Estimate for 1880 | <hr/> \$2,373,003 83 |

CHAPTER 2.

An Act to provide for the erection of New Buildings for the accommodation of the Provincial Legislature and the Public Departments.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS it is expedient that new buildings should be provided for the proper and needful accommodation of the Provincial Legislature and the Departments of the Public Service; and whereas the Provincial buildings now in use for the said purposes are wholly inadequate therefor, and the land on which they stand has come to be within the commercial and business portion of the city of Toronto, so that while it has become and is becoming every year less adapted to the purposes to which it is now being applied and its application to such purposes stands greatly in the way of improvements urgently required in the city for commercial and business objects, its value is now so great that it can no longer be so applied with a due regard to economy; and whereas the site hereinafter mentioned is the most eligible for the purposes aforesaid, and it is estimated that the said new buildings can be erected at a cost not to exceed five hundred thousand dollars; and whereas the value of the said land and that certain other parcel of land hereinafter mentioned (both situate within the said city,) is such that the proceeds to arise either from selling or leasing the same will nearly, if not entirely, suffice to recoup to the Province the estimated cost and expense of erecting said new buildings:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A sum not exceeding five hundred thousand dollars is hereby appropriated and set apart from and out of the surplus moneys forming part of the Consolidated Revenue Fund of this Province, for the purpose of erecting new buildings with requisite appurtenances for the accommodation of the Legislature and the several Departments of the public service, on such portion of the ground in the said city forming part of the Queen's Park and lying to the north of the College Avenue, as may be found requisite and suitable for said new buildings, and such portion of the said ground as shall by the Lieutenant-Governor in Council be deemed requisite for the purposes aforesaid shall be set off and ascertained by the Commissioner of Public Works for Ontario, and the same shall thereupon become and be vested in the Crown, for the public uses of the Province, freed and discharged from any and all trusts or charges whatsoever.

Appropriation
for buildings.

2. The lands following, namely: That parcel of land on which the present Parliament buildings are situate, and which is within said city and is bounded on the north by Wellington street, on the south by Front street, on the east by Simcoe street, and on the west by John street; and also so much of the land now belonging to this Province as is situate and lying within said city, and which may be generally described as bounded on the west by the westerly limit of said city, on the south by the line of the Great Western Railway, and on the north and east by King street and the line of the Toronto, Grey and Bruce Railway, containing about eighty acres, but not including therein those certain six acres, or thereabouts, forming the grounds to be used in connection with the Andrew Mercer Ontario Reformatory for Females, shall be and they are hereby set apart for the purpose of forming and creating from and out of the proceeds to be realized from the selling, demising or leasing thereof, a fund to recoup and reimburse the Province in respect of so much of said sum of five hundred thousand dollars as shall be expended in the erection of said new buildings.

Certain lands
set apart for
formation of a
fund.

3. The said lands shall, by public auction or upon tenders invited by public advertisement in that behalf, be sold, demised, or leased at such time or times, in such lots and parcels, and upon such terms, stipulations, provisos and conditions as the Lieutenant-Governor in Council shall deem best for the public interest, and the lands so sold, demised or leased, shall be granted, conveyed, demised or leased, as the case may be, to the respective purchasers or lessees, by letters patent, in which, nevertheless, any terms, conditions, stipulations, or provisos whatever, upon which the said lands shall have been so sold, demised or leased may be inserted, and such terms, conditions, stipulations and provisos shall be enforced by all courts of law or equity, whether they be or not such as are in other cases held to be consistent with a grant, demise or lease.

How lands to
be sold or
leased.

Moneys arising from said lands to be applied to fund.

4. All moneys and proceeds arising from or out of said lands, or any sale, demise or lease thereof as aforesaid shall be applied to form the fund aforesaid and such fund shall be called "The Parliament Buildings Construction Fund, 1880," and a separate account of the same shall be kept by the Treasurer of the Province, and such fund shall be applied in and towards the re-payment and reimbursement of so much of the said sum of five hundred thousand dollars, as shall be expended in the construction of said new buildings.

Account to be laid before Legislature.

5. An account of all moneys and sums paid out, or received, on account of or for any of the purposes aforesaid shall be laid before the Legislative Assembly within twenty days after the opening of the then next session thereof.

Agreement in schedule confirmed.

6. The agreement in the schedule to this Act set forth, is hereby legalized and confirmed and declared to be valid and binding upon and against the corporation of the City of Toronto and the inhabitants of the said city.

SCHEDULE.

(Section 6.)

This Agreement made between the Corporation of the City of Toronto of the First Part,

Her Majesty the Queen of the Second Part,

The Honourable Christopher Finlay Fraser, Commissioner of Public Works of the Province of Ontario, of the Third Part, this eighteenth day of February, A.D. 1880.

Whereas the Bursar of the University and Colleges of Toronto heretofore leased at a nominal rent, to the said Corporation of the City of Toronto, to be used as a Public Park, that certain portion of the University property at the head of the College Avenue in the said City, known as the Queen's Park;

And whereas the Government of Ontario having had under consideration the question of providing further accommodation for the meetings of the Legislature, and for the use of the Departments of the Government, the Council of the said Corporation, with a view of facilitating a decision of the question, did pass a resolution intimating its consent to the occupation by the Government of so much of the Queen's Park as might be required for the aforesaid purpose;

And whereas it is desirable in a more formal and full manner to signify such consent, therefore it is by these presents witnessed that the said Corporation do hereby agree with the said Commissioner of Public Works to release, and do hereby release to Her Majesty all the interest of the said Corporation in that portion of the Queen's Park which may be selected by the

the Government of Ontario, as a site for the erection of new Legislative and Departmental buildings.

And the said Corporation do hereby agree to consent and do hereby consent to such measures or Acts being passed by the Legislature of Ontario as by the Attorney-General of Ontario may be deemed necessary or expedient to be passed in order to vest in Her Majesty, freed and discharged from any trust or charge whatever in favour of the said Corporation or of the citizens of Toronto, or any other person or body, that portion of the said Park which may be selected by the Government of Ontario as a site for the said proposed buildings.

And the said Corporation do hereby further agree to execute such instruments, and do all other Acts and things which may by counsel be advised as requisite for the more effectually releasing the interest of the City in the said lands, and of otherwise fully carrying out the objects of these presents.

In witness whereof the Corporate Seal of the said Corporation of the City of Toronto, and the signature of the Mayor have been hereto affixed.

JAMES BEATY, Junr.,
Mayor.



SAML. B. HARMAN,
Treasurer,
And Keeper of City Seal.

CHAPTER 3.

An Act respecting Public Officers of Ontario.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every County Attorney and Clerk of the Peace, shall, on or before the fifteenth day of January in every year, make, under oath, a return to the Lieutenant-Governor of the aggregate amount of the fees and emoluments of his office during the preceding year up to and including the thirty-first day of December. Returns of fees to be made by County Attorneys.
2. Every Public Officer of the Province of Ontario, who is by this Act or any other Act required to make a return of the fees and emoluments of his office to any department of the Government, or to any officer, shall include in said return the following particulars:— Particulars in returns by public officers.

(1) The aggregate amount of the fees and emoluments earned by him during the preceding year by virtue of his office ;

(2) The aggregate amount of all fees and emoluments actually received by him during the preceding year ;

(3) The actual amount of the disbursements during the same period in connection with his office.

Time Act to
take effect.

3. This Act shall take effect from and after the first day of January next.

CHAPTER 4.

An Act to amend the Free Grants and Homesteads Act.

[Assented to 5th March, 1880.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O., c. 24,
s. 7, repealed.

1. Section seven of the said Act is hereby repealed, and the following substituted therefor :—

Affidavit of
person desiring
location.

7. Before any person is located for any land as aforesaid such person shall make an affidavit, to be deposited with the agent authorized to make such location, stating that he or she has not been located for any land under this Act or under said regulations, and that he or she is of the age of eighteen years or upwards, (and in the case of a female that she is the sole head of a family having children under eighteen years of age residing with her) and believes the land for which he or she applies, or desires to be located, is suited for settlement and cultivation, and is not valuable chiefly for its mines, minerals or pine timber, and that such location is desired for his or her benefit, and for the purpose of actual settlement and cultivation of such land, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, nor for the purpose of obtaining, possessing, or disposing of, any of the pine trees growing or being on the said land, or any benefit or advantage therefrom, or any gold, silver, copper, lead, iron or other mines or minerals, or any quarry or bed of stone, marble or gypsum thereon.

Sec. 10 repealed.

2. Section ten and sub-section two of said section ten of the said Act are hereby repealed and the following section substituted therefor :—

Reservation of
timber and
mines.

10 All pine trees growing or being upon any land located or sold within the limits of the Free Grant territory after the passing of this Act, and all gold, silver, copper, lead, iron or other

other mines or minerals shall be considered as reserved from said location, and shall be the property of Her Majesty, except that the locatee, or purchaser, or those claiming under them, may cut and use such pine trees as may be necessary for the purpose of building and fencing on the land so located, and may also cut and dispose of all trees required to be removed in the actual clearing of said land for cultivation, but no pine trees (except for the necessary building and fencing as aforesaid) shall be cut beyond the limit of such actual clearing; and all pine trees cut in the process of clearing, and disposed of, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw-logs.

3. The patents for all lands hereafter located or sold as afore-
said, shall contain a reservation of all pine trees standing or
being on said lands, which pine trees shall continue to be the
property of Her Majesty; and any person or persons now or
hereafter holding a license to cut timber or saw-logs on such
lands, may at all times during the continuance of such license
enter upon the uncleared portion of any such lands, and cut
and remove such trees and make all necessary roads for that
purpose, and for the purpose of hauling in supplies, doing
no unnecessary damage thereby, but the patentees or those
claiming under them may cut and use such trees as may be
necessary for the purpose of building and fencing on the lands
so patented, and may also cut and dispose of all trees required
to be removed in actually clearing the said land for cultivation,
but no pine trees (except for the said necessary building and
fencing as aforesaid) shall be cut beyond the limit of such
actual clearing; and all pine trees so cut and disposed of
shall be subject to the payment of the same dues as are at the
time payable by the holders of licenses to cut timber or saw-
logs.

Reservation in
patents.

4. The patentee, his heirs or assigns, of land hereafter located
or sold under the Free Grants and Homesteads Act and this
Act shall be entitled to be paid out of the Consolidated Revenue
of the Province on all pine trees cut on such land subsequent to
the thirtieth day of April next after the date of the patent, and
upon which dues have been collected by the Crown, the sum
of twenty-five cents on each thousand feet, board measure, of
saw logs, and three dollars on each thousand cubic feet
of square or waney pine timber, and the Lieutenant-Governor
in Council is to make regulations for ascertaining and deter-
mining the persons from time to time to receive such payments
and the sums to be paid.

Payment by
Crown to
patentees of
part of dues

CHAPTER 5.

An Act to amend the Agriculture and Arts Act.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain powers and duties of Commissioner of Agriculture transferred to the Minister of Education.

1. The Association of Mechanics' Institutes of Ontario, Mechanics' Institutes, the Ontario Society of Artists and Schools of Art and Design are placed under the supervision of the Minister of Education instead of the Commissioner of Agriculture, and shall report to such Minister in all matters in which, under the provisions of the Agriculture and Arts Act, they are respectively directed to report to such Commissioner; and the powers and duties by the said Act conferred upon the Commissioner of Agriculture in that behalf, are all transferred to and vested in the Minister of Education.

Evening classes in mechanics' institutes.

2. The Education Department shall have power to make, from time to time, rules and regulations, subject to the approval of the Lieutenant-Governor in Council, for the instruction in physical and practical science to be given in evening classes in Mechanics' Institutes, and for the apportionment of sums of money out of any grants to be made by the Legislature for the purpose of such classes, and also for sanctioning the purchase of books for the libraries of such Institutes in other subjects than those expressly authorized by the said Act; and the purchases of any books or apparatus from the Education department by Mechanics' Institutes, shall be deemed as if purchased by public institutions.

Inspection of mechanics' institutes.

3. It shall be the duty of the Minister of Education to see that every Mechanics' Institute, at least once in each year, is inspected, and the financial affairs thereof audited, and the standing of each Mechanics' Institute ascertained by the public school inspectors, whose remuneration shall be regulated by the Education Department, from time to time.

Additional members of council.

4. The President of the Ontario College of Agriculture and Experimental Farm, and the Professor of Agriculture therein, shall also be members, *ex officio*, of the council of the Agricultural and Arts Association.

CHAPTER 6.

An Act respecting Tile, Stone, or Timber Drainage.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. When it is necessary that a ditch should be made as an outlet to any underdrainage, made either by private funds or under the provisions of "The Ontario Tile Drainage Act," passed in the forty-first year of Her Majesty's reign, and chaptered nine, or under the provisions of "The Ontario Stone and Timber Drainage Act," passed in the forty-second year of Her Majesty's reign, and chaptered eight, such ditch or outlet, whether covered or open, shall be constructed under the provisions of the Revised Statute respecting Ditching Water-courses, as amended, and the proportion of the cost of the construction and maintenance of said ditch or outlet to be borne by the persons severally benefited thereby shall be determined under the provisions of the said last mentioned Act, and all the provisions of the said last mentioned Act shall, so far as applicable, apply to proceedings under this Act.

Ditches or outlets, how made.

2. All the provisions of the said "Ontario Tile Drainage Act" and of the said "Ontario Stone and Timber Drainage Act" respecting township councils are hereby extended to, and conferred on, village and town councils.

Powers of village and town councils.

CHAPTER 7.

An Act respecting the Proof of Proceedings in Provincial and Colonial Courts.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any judgment, decree or other judicial proceeding recovered, made, had or taken in any court of record in any of the Provinces of Canada, or in any British colony or possession, may be proved in any suit, action or proceeding, either at law or equity, in Ontario—by an exemplification of the same—under the

Judgments, &c., proved by exemplification thereof.

the seal of the court in which such judgment, decree or other judicial proceeding was recovered, made, had, or taken, and without any proof of the authenticity of such seal, or other proof whatever, in the same manner as any judgment, decree or similar judicial proceeding of any of the superior courts of common law or equity in Ontario may be proved by an exemplification thereof in any judicial or other proceeding in the said last mentioned courts respectively.

CHAPTER 8.

An Act to extend the jurisdiction, and to regulate the offices of Division Courts.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Division Courts Act, 1880."

NEW JURISDICTION.

Jurisdiction extended.

2. The jurisdiction of the Division Courts is hereby extended by adding to the fifty-fourth section of the Division Courts Act, Revised Statutes of Ontario, chapter forty-seven, the following sub-section after the word "dollars" in the second sub-section of the said fifty-fourth section:

"(3) All claims for the recovery of a debt or money demand, the amount or balance of which does not exceed two hundred dollars, and the amount or original amount of the claim is ascertained by the signature of the defendant or of the person whom, as executor or administrator, the defendant represents;"

Appeal.

(2) There shall be an appeal when the sum in dispute on such appeal—exclusive of costs—exceeds one hundred dollars, subject to the provisions of this Act.

R. S. O. c. 47, ss. 54 and 56 amended.

3. The word "forty," where it occurs in the first sub-section of the said fifty-fourth section, and in the fifty-sixth section of the said Division Courts Act, is hereby repealed, and the word "sixty" is substituted therefor.

Absconding debtors' Act.

4. In the class of cases provided for by the second section of this Act, the increased jurisdiction conferred by the said second section shall apply to claims and proceedings against absconding debtors under section one hundred and ninety, and subsequent sections

sections of the Division Courts Act; and in such cases the attachment may issue and proceedings may be had on a claim of not less than four dollars, and not more than two hundred dollars.

5. The clerk shall place all suits in which the sum sought to be recovered exceeds one hundred dollars at the foot of the trial list, and the other suits on the list and business of the court shall be disposed of before entering upon the trial of any of such first mentioned suits, unless the judge shall, for special reason or reasons, otherwise order. The judge shall, in such cases, when no agreement not to appeal has been signed and filed, take down the evidence in writing, and shall leave the same with the clerk of the court but in the event of an application for a new trial it shall be forwarded to the judge by the clerk for the purposes of such application.

Order in which suits to be tried.

Evidence to be taken down

6. No appeal shall lie to the Court of Appeal if before the Court opens, or if without the intervention of the judge before the commencement of the trial, there shall be filed with the clerk, in any case, an agreement in writing not to appeal, signed by both parties, or their attorneys or agents, and the judge shall note in his minutes whether such agreement was so filed or not, and the minutes shall be conclusive evidence upon that point.

Parties may agree not to appeal.

7. The judge shall require such additional security to be given by the clerks and bailiffs of the Division Courts within his county as shall, in his opinion, afford sufficient security to any and all persons being parties in any legal proceedings in the said court, having regard to the increased jurisdiction by this Act conferred, and the increased business in the courts. Nothing in this Act contained shall release or discharge from liability in whole or in part any clerk or bailiff or any surety for any clerk or bailiff upon or by virtue of any bond or covenant heretofore given or entered into by such clerk or bailiff, or surety, under the provisions of the Division Courts Act.

Security by clerks and bailiffs.

8. Where the debt or money payable exceeds one hundred dollars, and is made payable by the contract of the parties at any place named therein, the action may be brought thereon in the court holden for the division in which such place of payment is situate, subject however to the place of trial being changed to any other division in which the court holden therein has jurisdiction in the particular case;

Place of trial, and change of venue.

(2) To procure such change an order to that effect is to be obtained by the defendant from the judge of the county in which the action is brought;

(3) The application for the order is to be made within eight days from the day on which the defendant who makes the application was served with the summons, where the service is required to be ten days before the return; or within twelve days

days after the day of such service, where the service is required to be fifteen days or more before the return;

(4) The application is to be on an affidavit that the applicant intends to defend the suit, that he has a good defence upon the merits, that the cause of action did not wholly arise in the division in which the action is brought, and that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business at the time the action was brought, and that such application is not made for the purpose of delay; the date of the then next two sittings of the court to which he seeks to have the cause transferred is also to be shewn;

(5) The affidavit must be by the defendants, or one of them, or by their or his attorney or agent in case satisfactory reasons are given why the affidavit is not made by a defendant;

(6) The order shall direct at what sittings of the court the suit shall be tried, subject to all rights of postponement as in other cases, and shall be attached to the summons and other proceedings in the suit by the clerk, who shall forthwith transmit the same to the clerk of the court in which the suit is by such order directed to be tried, and shall enter a minute thereof in his procedure book;

(7) Upon receipt of such order and other papers by the clerk of such last mentioned court, he shall enter the suit and proceedings in his procedure book;

(8) All the papers and proceedings in the cause thereafter, shall be entitled and had and carried on as though the suit had originally been entered in the said last mentioned court;

(9) It shall be the duty of the defendant obtaining the order forthwith to serve, or cause to be served, a copy of the same upon the plaintiff or his agent in the same manner as summonses are required to be served under the Division Courts Act.

When money made payable out of the Province.

9. When the debt or money payable exceeds one hundred dollars, and is by the contract of the parties made payable at any place out of the Province of Ontario, the action may be brought thereon in any Division Court, subject however to the place of trial being changed upon the application of one or more of the defendants as provided by the next preceding section.

Trial may by consent be in any division.

10. Notwithstanding anything in the Division Courts Act contained, any suit within the jurisdiction of the Division Court may be entered, tried and finally disposed of by the consent of all parties in any Division Court.

When suit entered in wrong Court by mistake.

11. If by mistake or inadvertence, a suit shall be entered in the wrong Division Court which might properly have been entered in some other Division Court of the same or any other county, the cause shall not abate as for want of jurisdiction, but on such terms as the judge shall order, all the papers and proceedings in the cause may be transferred to any Division

Division Court having jurisdiction in the premises, and shall become proceedings thereof as though the cause were at first properly entered therein, and the same shall be continued and carried on to the conclusion thereof as though the suit had originally been entered in the said last mentioned court.

12. When it is by this Act provided that a claim or suit may be entered, or an action brought, or that any person or persons may be sued in any Division Court, or that a suit may be transferred or changed to any other court, such court shall have jurisdiction in the premises, and all proceedings may be had and taken both before and after judgment in or relating to any such claim or cause as may now be had, and taken in or relating to any claim or cause which has been lawfully entered in the court holden for the division in which the cause of action arose, or in which the defendant or any one of several defendants resided or carried on business at the time the action was brought.

Court where suit may be tried to have full power.

13. There shall be endorsed upon every summons a notice informing the defendant that in any case in which an order may be made changing the place of trial, application must be made to the judge within eight days after the day of service thereof (where the service is required to be ten days before the return), or within twelve days after the day of such service (where the service is required to be fifteen days or more before the return).

Endorsement upon summons.

14. In all cases where a defendant, primary debtor or garnishee intends to contest the jurisdiction of any Division Court to hear or determine any cause, matter or thing in such court, he shall leave with the clerk of the court, within eight days after the day of service of the summons on him (where the service is required to be ten days before the return), or within twelve days after the day of such service (where the service is required to be fifteen or twenty days before the return), a notice to the effect that he disputes the jurisdiction of the court, and such clerk shall forthwith give notice thereof to the plaintiff, primary creditor, or their attorney or agents in the same way as notice of defence is now given, and in default of such notice disputing the jurisdiction of such court, the same shall be considered as established and determined, and all proceedings may thereafter be taken as fully and effectually as if the said suit or proceeding had been properly commenced, entered or taken in such court.

Notice where jurisdiction of Court disputed to be given in garnishee cases.

15. Notwithstanding anything in the Division Courts Act contained, any clerk or bailiff of a Division Court may be sued in the court of an adjoining county, the place of sitting whereof is nearest to the residence of the defendant without the county in which he holds his office as such clerk or bailiff; and upon a transcript of any judgment which may be recovered

Place of trial in suits against clerk or bailiff.

Enforcing judgment.

ered against any clerk or bailiff in any such suit being sent to and received by the clerk of the court of any division adjoining the division for which the defendant was or is clerk or bailiff in the county in which the last named division is situate with a certificate of the amount due on such judgment as provided by the one hundred and sixty-first section of the Division Courts Act, such proceedings for enforcing and collecting the judgment by way of execution and otherwise may be had and taken in the Division Court to which such transcript has been so sent by the officers thereof as may be had or taken for the like purpose upon a judgment regularly recovered in any division court.

Costs.

16. Where in a contested case for more than one hundred dollars, a counsel or an attorney or agent has been employed by the successful party in the conduct of the cause or defence, the judge may, in his discretion, direct a fee of five dollars, to be increased according to the difficulty and importance of the case to a sum not exceeding ten dollars, to be taxed to the successful party, and the same, when so allowed, shall be taxed by the clerk and added to the other costs.

APPEALS IN SUCH CASES.

Appeal.

17. In case any party to a cause, wherein the sum in dispute upon the appeal exceeds one hundred dollars exclusive of costs, is dissatisfied with the decision of the judge, upon an application for a new trial, he may appeal to the Court of Appeal, and, in such case, the proceedings, in and about the appeal, and the giving and perfecting of the security, shall be the same as on an appeal from the County Court, except where otherwise provided by this Act, and the terms "party to a cause" and "appellant" in this section and hereafter used, shall have the meaning attached thereto in and by section thirty-four of the County Courts Act.

Stay of
proceedings.

18. Any judge of the County Court of the county in which the cause was tried, on the application of the person proposing to appeal, his counsel, attorney or agent, shall stay the proceedings in the cause, for a time not exceeding ten days from the day of giving judgment on the application for a new trial, in order to afford the party time to give the security required to enable him to appeal.

Agent for
service.

19. Upon any application for a new trial in any cause wherein either party may appeal, each party to the suit shall leave with the judge by whom the application is heard, a memorandum in writing of the name of some person resident within the county town of the county or united counties in which the cause was tried, with his place of abode, upon whom the notice of appeal, and all other papers thereafter requiring

requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient service thereof; and, in the event of failure to leave such memorandum by either party, all papers requiring service upon him may be served upon the Clerk of the Division Court where the suit was tried, or left at his office, for the person so failing to leave such memorandum, and such service shall be good service. The clerk shall, in such case, forthwith mail, by registered letter, all such papers so served upon him to the person entitled to the same.

20. Upon the bond being approved by the judge, or the deposit being paid into court, the clerk of the court in which the suit is pending, shall, at the request of the appellant, his counsel, attorney, or agent, furnish a duly certified copy of the summons with all notices endorsed thereon, the claim, and any notice or notices of defence, and of the evidence and all objections and exceptions thereto, and of all motions or orders made, granted, or refused therein, together with such notes of the judge's charge as have been made, the judgment or decision when in writing, or the notes thereof, and all affidavits filed or used in the cause, together with all other papers filed in the cause affecting the questions raised by the appeal. The clerk shall also furnish to the respondent, when required so to do, a duplicate copy of the proceedings so furnished to the appellant, or such portion thereof as may be required by him, and for every copy he shall be entitled to receive the sum of five cents per folio of one hundred words.

Evidence, &c.,
to be certified.

21. The appellant shall within two weeks after the approval of the security or deposit being paid into court, or at such other time as the judge of the said County Court may by order in that behalf provide, file the said certified copy with the registrar of the Court of Appeal, and shall thereupon forthwith set down the cause for argument before a judge of the said Court of Appeal, and shall forthwith give notice thereof, and of the appeal, and of the grounds thereof, to the respondent, his counsel, attorney or agent, at least seven days before the day for which the same is set down for hearing, and the said appeal may be heard and disposed of by a single judge of the Court of Appeal, and he shall have power to dismiss the appeal or give any judgment and make any order which ought to have been made, and he shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and shall also award costs to the party in his discretion, which costs shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith.

Setting down
appeals.

Hearing.

Costs.

22. The costs taxable, as between party and party, upon or connected with any appeal shall be the actual disbursements, and

Taxable costs.

and no greater amount over and above actual disbursements than fifteen dollars, inclusive of counsel fee. The costs of such appeal, as between attorney and client, shall be taxable on the County Court scale. Section fifty-five of the Court of Appeals Act shall not apply to appeals made under this Act.

INSPECTOR OF DIVISION COURTS AND HIS DUTIES.

Appointment
of Inspector.

23. The Lieutenant-Governor may, from time to time, appoint an Inspector of Division Courts, who shall hold office during pleasure, and whose duty shall be:

Inspection of
offices.

(1) To make a personal inspection of each Division Court and of the books and court papers belonging thereto;

Books, etc.

(2) To see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times, and in a proper form and order, and that the court papers and documents are properly classified and preserved;

Officers' duties.

(3) To ascertain that the duties of the officers of the Division Courts are duly and efficiently performed, and that the office is at all times duly attended to by the clerk;

Lawful fees.

(4) To see that lawful fees only are taxed or allowed as costs;

Security by
clerks and
bailiffs.

(5) When directed so to do by the Lieutenant-Governor, to ascertain that proper security has been given by any clerk or bailiff, and that the sureties continue sufficient;

Reporting to
the Lieuten-
ant-Governor.

(6) To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision.

Power of
Inspector in
making in-
quiry into con-
duct of officers.

24. When the said inspector considers it expedient to institute an inquiry into the conduct of any Division Court clerk or bailiff in relation to his or their official duties or acts, it shall be lawful for the said inspector to require such clerk or bailiff, or other person or persons, to give evidence on oath, and for this purpose the said inspector shall have the same power, to summon such officers to attend as witnesses, to enforce their attendance and to compel them to produce books and documents, and to give evidence, as any court has in civil cases.

Inspector's
salary.

25. A salary, not exceeding fourteen hundred dollars per annum, shall be paid to the inspector, and such actual and necessary travelling and other expenses as shall be from time to time voted by the Legislature, and shall be payable out of the Consolidated Revenue Fund for the Province of Ontario.

Books, etc., to
be produced
for inspection.

26. The Division Court clerks and bailiffs shall, as often as required by the said inspector, produce all books and documents required to be kept by them, or that may hereafter be required to be kept by them, at the clerk's office, for examination and inspection. Any clerk or bailiff shall report to the inspector
all

all such matters relating to any cause or proceeding as the inspector shall require.

27. It shall be the duty of every Division Court clerk or bailiff, within five days after his appointment to office, to inform the inspector of his appointment, his full name and post office address, the names of his sureties, their respective callings or professions, places of residence, and post office address.

Officers to inform Inspector of their appointment etc.

28. When any clerk or bailiff has given new sureties, as required by the Division Courts Act, he shall immediately inform the said inspector of such change, giving the names of the sureties, their respective callings or professions, places of residence, and post office address.

Inspector to be informed of new sureties.

29. Every Division Court clerk and bailiff shall have and keep in his possession or custody the certificate of the clerk of the peace named in the twenty-eighth section of the Division Courts Act, and shall produce the same for the information of the inspector when required so to do.

Officers to produce certificate of filing covenant, etc.

30. Every clerk shall, on or before the fifteenth day of January in each year, make a return of the business of his office for the year ending the thirty-first day of December preceding, in such form and manner as the Lieutenant-Governor shall direct.

Returns.

31. Every clerk and bailiff shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, and shall, on the fifteenth day of January, in each year, make up to and including the thirty-first day of December of the previous year, a return to the Inspector, under oath, shewing the aggregate amount of fees, charges and emoluments so received by him and which he has become entitled to receive, and has not received, during the year.

Clerks to make returns to Inspector.

CLERKS AND BAILIFFS.

32. The Lieutenant-Governor may, upon the report of the Inspector or of the county court judge, dismiss from office for misconduct or incompetency, any clerk or bailiff heretofore appointed.

Dismissal of clerks and bailiffs.

33. The Lieutenant-Governor may appoint, during pleasure the clerk and bailiff or bailiffs of any division court.

Appointment of clerks and bailiffs.

34. Nothing in this Act contained shall relieve the county judge from the responsibility of seeing that the officers of his court perform their duties, or from examining into complaints which may be made against them, or from the duties imposed upon

Duty of County Court Judges not affected.

upon him by the said Act in reference to the security to be given by clerks and bailiffs, and such last mentioned duties are declared and shall be held to be of a judicial and not of an administrative character. The Judge may for cause suspend any clerk or bailiff appointed by the Lieutenant-Governor, and in case of such suspension by him, he shall forthwith report the same and the cause thereof to the Provincial Secretary; and in case a vacancy shall occur in the office of clerk or bailiff within his county, the judge shall forthwith notify the Provincial Secretary thereof.

R. S. O., c.
47, s. 25,
amended.

35. The twenty-fifth section of the Division Courts Act is amended by striking out the words "County Court clerk or" in the first line thereof.

S. 26 repealed.

36. The twenty-sixth section of the Division Courts Act is hereby repealed, but, nevertheless, the judge of the county court may at pleasure suspend or remove any clerk or bailiff within his own county heretofore appointed by a judge.

Clerk or
bailiff not to
collect on com-
mission.

37. No clerk or bailiff shall directly or indirectly take or receive any commission, charge, expenses, fee, or reward for or in connection with the collection of any debt or claim which has been or may or can be sued in the court for which he is so clerk or bailiff, except such fees as are provided by any tariff of fees under the Division Courts Act or this Act.

Certain clerks
not disquali-
fied.

38. Nothing in this Act or any other Act contained shall render ineligible or disqualify to sit or vote as a member of the Legislative Assembly any person who at present holds the office of Division Court Clerk under the nomination or appointment of any judge of any county court.

Fees to be
retained by
clerks for their
own use.

39. Each Division Court Clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to one thousand dollars;

(1) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of one thousand dollars, and not exceeding fifteen hundred dollars, he shall be entitled to retain to his own use ninety per cent., and no more;

(2) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of fifteen hundred dollars, and not exceeding two thousand dollars, he shall be entitled to retain to his own use eighty per cent., and no more;

(3) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of two thousand dollars, and not exceeding twenty-five hundred dollars, he shall be entitled to retain to his own use seventy per cent., and no more;

(4) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of twenty-five hundred dollars, and not exceeding three thousand dollars, he shall

shall be entitled to retain for his own use sixty per cent., and no more ;

(5) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of three thousand dollars he shall be entitled to retain for his own use fifty per cent., and no more.

40. On the fifteenth day of January in each year each Division Court Clerk shall transmit to the Treasurer of the Province a duplicate of the return required by this Act, and shall also pay to such Treasurer for the use of the Province such proportion of the fees and emoluments earned by him during the preceding year, as under this Act he is not entitled to retain to his own use. Clerk to pay excess to Treasurer of Province.

HOLDINGS OF COURTS.

41. For and notwithstanding anything contained in chapter forty-seven of the Revised Statutes of Ontario, or any amendment thereof, or any of the general rules in force in the Division Courts of this Province, in any city in which two Division Courts are established or held, all or any of the sittings of both of such Courts may be appointed and held in any of such Divisions, and both clerks of such Courts may, with the approval of the Lieutenant-Governor in Council, have and keep their offices in the same Division in such city. Holding courts in cities.

42. The sittings of the division court in any county town may be held in the county court house, and, in the cases of cities and towns separated from the county, the use of the court house for such purpose may be taken into account in settling the proportion of the charges to be paid by the city or town for the maintenance of the court house. Use of court house.

JURIES.

43. Section one hundred and nine of the Division Courts Act is hereby repealed, and the following section is substituted therefor : R. S. O. c. 47, s. 109 repealed.

109. Either party may require a jury in actions of tort or replevin where the sum or the value of the goods sought to be recovered exceeds twenty dollars, and in all other actions where the amount sought to be recovered exceeds thirty dollars. When a jury may be required.

44. The one hundred and twelfth section of the Division Courts Act is hereby amended by inserting after the word "beginning," in the fourth line thereof, the words "at the first selection after this Act comes into force," and by adding to said section the following : s. 112 amended.

"In case it shall not be necessary to summon all the persons on the roll or rolls entitled to be summoned in any one year, the

the clerk shall, at the end of each year, so certify on the roll, and shall state in such certificate the number of persons summoned during the year, and at what number on the roll he left off; and, in summoning persons for the next year, he shall begin with the next number on the roll as nearly as he conveniently can; and so on from year to year until all the rolls have been gone through."

Fees for jury
fund.

45. There shall be paid to the clerk of the Division Court, in addition to all costs or jury fees now by law payable, on every suit entered where the claim exceeds twenty dollars but does not exceed sixty dollars, three cents; where the claim exceeds sixty dollars, but does not exceed one hundred dollars, six cents; and where the claim exceeds one hundred dollars, twenty-five cents; and the same shall be taxed and allowed as costs in the cause; and, on or before the fifteenth day of January in each year, every clerk shall return to the treasurer of the county a statement, under oath, shewing the number of suits originally entered in his court during the year previous, in which the claim exceeded twenty dollars but did not exceed sixty dollars, the number in which the claim exceeded sixty dollars, but did not exceed one hundred dollars, and the number in which the claim exceeded one hundred dollars; and he shall, with such statement, pay over to such treasurer the sum of three cents on each suit so entered where the claim exceeded twenty dollars but did not exceed sixty dollars; the sum of six cents on each suit where the claim exceeded sixty dollars, but did not exceed one hundred dollars; and the sum of twenty-five cents on each suit where the claim exceeded one hundred dollars, together with all other moneys received by him for jurors' fees during the year; and such treasurer shall keep an account of all such moneys so received by him under the head of "Division Court Jury Fund."

Return.

Return in
cities forming
separate divi-
sions.

46. In cities which include one or more entire divisions and no other fraction of a division the clerk shall make the return and payment, provided for by the next preceding section, to the treasurer of such city who shall keep an account of such moneys in the same way as is provided in the case of county treasurers, and shall, on the presentation of the certificate of the judge, forthwith repay to the clerk of the court the jurors' fees paid by him in the same manner as is hereafter provided in the case of county treasurers.

Fees of jurors.

47. The clerk of every Division Court shall pay to each person who has been summoned as a juror, and who attends during the sittings of the court for which he has been summoned, and who does not attend as a witness in any cause, or as a litigant in his own behalf, the sum of one dollar; and having so paid the same, except in the cases in the next preceding section provided for, the presiding judge shall so certify to the treasurer of the county, and shall deliver such certificate

to

to the clerk, and the treasurer of the county shall, upon the presentation of such certificate to him, forthwith pay to the clerk, or his order, the amount which the clerk appears, by such certificate, to have paid the jurors as aforesaid. In the case of cities, other than those provided for by the next preceding section, and towns separated from the county, the amounts paid in by the clerks of the courts in such cities and towns, and the amounts paid by the county treasurer to the clerks of such courts for jury fees, shall be taken into account in settling the proportion of the charges to be paid by the city or town towards the costs of administration of justice.

48. The word "fifteen" in the second line of the one hundred and fourteenth section of the Division Courts Act is repealed, and the word "twelve" is substituted therefor. Sec. 114 amended.

49. There shall be added to the one hundred and twenty-first section of the said Division Courts Act the following words:—"In the event of the panel being exhausted before a jury shall be obtained, the judge may direct the clerk to summon from the body of the court a sufficient number of disinterested persons to make up a full jury, and any person so summoned may, saving all lawful exceptions and rights of challenge, sit and act as a juror as fully as though he had been regularly summoned." Sec. 121 amended. Judge may call tales.

APPEALS UNDER MASTERS' AND SERVANTS' ACT.

50. All appeals hereafter to be made from or against any conviction or order for the payment of wages, or any order of dismissal from service or employment or against any decision of any Justice or Justices under the one hundred and thirty-third chapter of the Revised Statutes of Ontario, intituled "An Act respecting Master and Servant," shall, notwithstanding anything contained in the thirteenth section of the said Act, be made to the Division Court, holden in the division in which the cause of action arose, or in which the party complained against, or one of them, resided at the time of the making of the complaint. Mode of appeal under R. S. O., c. 133.

51. The person proposing to appeal shall give to the opposite party a notice in writing of his appeal, and of the cause or matter thereof, within four days after such conviction, order, decision or judgment, and eight days, at least, before the holding of the court at which the appeal is to be heard, and shall also, within the four days, enter into a bond to the opposite party with two sufficient sureties—to be approved of by the clerk of the court—in the penal sum of one hundred dollars, conditioned, personally to appear at the said court and try such appeal, and to abide the judgment of the court thereon, and to pay such costs as shall be by the court awarded, and upon

upon such notice being served and bond executed and filed with the clerk, all proceedings on the order, conviction or decision appealed against shall be stayed until the determination of the appeal.

Case to be entered by clerk.

52. The clerk shall, on the bond and notice of appeal with an affidavit of service thereof being filed in his office, enter the cause in his procedure-book, and the appeal may be tried with a jury if the appellant file with the clerk at the time of filing the bond a notice requiring a jury, or if the respondent, within four days after the service of the notice of appeal upon him, file a notice with the clerk, requiring a jury, and if the proper fees are, in either case, deposited with the clerk; otherwise the judge may try the appeal without a jury or may summon a jury from the body of the court as to him seems meet.

Proceedings in case of appeal dismissed or affirmed.

53. In case of the dismissal of the appeal or affirmance of the conviction, order or decision, the judge may order and adjudge the offender to be punished according to the conviction or order, or he may direct the enforcement of the order for payment of wages or of dismissal, as the case may be, with the payment of the costs awarded, and any order or orders made by him in the premises shall be enforced and carried into execution by the officers of the court. The judge may direct execution to issue for the levying of any moneys or costs awarded or ordered to be paid, and in the event of any such moneys or costs being payable by the appellant, which have not been levied under execution against the goods of the appellant, the judge may order the bond to be delivered up to the respondent, who shall be entitled to recover the amount due him with costs in any Division Court having jurisdiction.

Preceding sections not to apply in certain cases.

54. The next preceding four sections shall not apply to any appeal from or against any order, conviction or decision made under the twelfth section of the seventy-fifth chapter of the Consolidated Statutes of Upper Canada, on any matter not within the jurisdiction of the Legislature of Ontario.

MISCELLANEOUS.

Sec. 94 repealed.

55. Section ninety-four of the Division Courts Act is repealed and the following substituted therefor:—

Where set-off exceeds amount due to plaintiff.

94. If the set-off, proved to the satisfaction of the judge, exceeds the amount shewn to be due to the plaintiff, the plaintiff shall be non-suited or the defendant may elect to have judgment for such excess, provided such excess be an amount within the jurisdiction of the court, and if such excess be greater in amount than the jurisdiction of said court the judge may adjudicate that an amount of such set-off equal to the amount shewn to be due to the plaintiff be satisfied by such claim, but such adjudication shall be no bar to the recovery

recovery by the defendant in any subsequent suit for the residue of such set-off.

56. The clerk of every Division Court shall, immediately after the receipt of any sum of money whatever for any party to a suit, forward, through the post office, to the party entitled to receive the same, a notice, enclosed in an envelope addressed to such party or in the case of a transcript of judgment from another court, then to the clerk who issued the same, at his proper post office address, informing him of the receipt of such money. The notice thus sent shall be pre-paid and registered, and the clerk shall obtain, and file among the papers in the suit the post office certificate of such registration, and shall deduct the postage and charge for registration from the moneys in his hands, but he shall charge no fee for such notice. The absence from amongst the papers in the suit of any such certificate of registration shall be *prima facie* evidence against the clerk that such notice has not been forwarded.

Clerk to mail notice of payment of money.

57. When the books, papers and other matters in the possession of any clerk, by virtue of or appertaining to his office, become the property of the county crown attorney, under the forty-fourth section of the Division Courts Act, or in case of the suspension of a clerk, such county crown attorney may, during such suspension, or until the appointment and qualification of another clerk, when the same shall be presented for that purpose, renew any writ of execution issued out of such court, which may lawfully be renewed, and such renewal shall have the same force and effect as if the same had been renewed by a clerk of the court, and he shall be entitled to the same fees therefor as a clerk for like services.

Renewal of executions by county attorney in certain cases.

58. Every judge of a county court shall make a return to the Provincial Secretary on or before the fifteenth day of January in every year, shewing the number of judgment debtors who, during the twelve months ending the thirty-first of December previously, were ordered to be committed under each of the five heads mentioned in the one hundred and eighty-second section of the Division Courts Act.

Returns by judges of judgment debtors committed.

59. Section one hundred and seventy-seven of the Division Courts Act is amended by adding thereto the following: "Provided, nevertheless, that before such summons shall issue, the plaintiff, his attorney or agent shall make and file with the clerk of the court from which the summons may issue an affidavit stating (1) That the judgment remains unsatisfied in the whole or in part; (2) That the deponent believes that the defendant sought to be examined is able to pay the amount due in respect of the judgment or some part thereof; (3) or, that the defendant sought to be examined has rendered himself liable to be committed to gaol under the Division Courts Act."

Sec. 177 amended: affidavit required before judgment summons.

Sec. 183
amended:
one service
of judgment
summons
only.

60. Section one hundred and eighty-three of the said Division Courts Act is amended by striking out the word "twice" in the fifth line thereof.

R. S. O., c. 67
not affected.

61. This Act shall not affect or apply to the sixty-seventh chapter of the Revised Statutes of Ontario or anything therein contained.

Substitu-
service. nal

62. When it is made to appear to the judge upon affidavit that reasonable efforts have been made to effect personal service of the summons upon the defendant, primary debtor or garnishee and either that the summons has come to the knowledge of the defendant, primary debtor or garnishee, or that he wilfully evades service of the same, or has absconded, such judge may, by order, grant leave to the plaintiff to serve the writ in such manner, at such place, or upon such person for the defendant, primary debtor or garnishee, as to him may seem proper, and may grant leave to the plaintiff to proceed as if personal service had been effected, subject to such conditions as the judge may impose.

Costs of wit-
nesses in cer-
tain cases.

63. Where the defendant having disputed the plaintiff's claim afterwards and before the opening of court confesses judgment or pays the claim so short a time before the sitting of the court that the plaintiff cannot in the ordinary way be notified thereof, and without such notice the plaintiff *bona fide* and reasonably incurs expenses in procuring witnesses or in attending at court, the judge may, in his discretion, order the defendant to pay such costs or such portion thereof as to him may seem just.

Sec. 163
amended:
renewal of
execution.

64. Section one hundred and sixty-three is amended by striking out the words "thirty days" where the same occurs in the fourth line thereof, and by substituting therefor the words "six months."

Costs in gar-
nishee cases.

65. The judge in any case brought to garnish a debt, may, in giving judgment on behalf of the primary creditor, award the costs of the proceeding to the primary creditor out of the amount found due from the garnishee to the primary debtor, anything in the Division Courts Act to the contrary notwithstanding.

Board of
County Judges
to make rules.

66. The board of county judges, or any three of them, may frame general rules and forms concerning the practice, and in relation to the provisions of this Act, in as ample a manner as they may now make and frame such rules and forms under the powers conferred by the Division Courts Act, but subject nevertheless to the like restrictions and conditions, and to the approval, disallowance or amendment thereof by the judges of the superior courts of law, as in the case of rules and forms framed

framed by them by virtue of the powers conferred by the said Division Courts Act.

67. This Act shall not affect any action or proceeding pending at the time of the passing thereof. Pending proceedings not affected.

68. This Act shall be read with and as part of the Division Courts Act, and the general rules, forms, practice, procedure and fees applicable to Division Courts shall apply thereto, and to proceedings thereunder. Act part of D. C. Act.

CHAPTER 9.

An Act further to amend the Jurors' Act.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The words "fifteenth day of September," where they occur in the thirty-eighth section of "The Jurors' Act," are hereby repealed, and the words "twenty-fifth day of October" are substituted therefor. R. S. O., c. 48, s. 38, amended.

2. The words "by the clerk of the peace," in the fifth line of the second sub-section of section seventeen of "The Jurors' Act of 1879," are hereby repealed, and the words "by the chairman, or acting chairman, or such one of the selectors as may be by him named for that purpose" are substituted therefor. 42 Vic., c. 14, s. 17, sub-s. 2, amended. Repealed by 45 Vic c 80 Oct 6.

3. The word "fifty," in the first line of the thirtieth section of "The Jurors' Act of 1879" is hereby repealed, and the fiftieth section of the forty-eighth chapter of the Revised Statutes is hereby re-enacted, and it shall continue to be the fiftieth section of the last mentioned Act. 42 Vic., c. 14, s. 30, amended and R. S. O., c. 48, s. 50, re-enacted.

4. In counties where "the grand jury lists for the inferior courts," from which the grand jury panel for the inferior courts for the present year are to be returned by the sheriff or other officer, have been selected, made and prepared in the manner provided by the said fiftieth section of "The Jurors' Act," such lists are hereby made valid, and they shall be, and are hereby declared to be "the grand jury lists for the inferior courts" for the present year. Grand jury lists made as provided by s. 50 of R. S. O., c. 48, to be valid.

Grand jury lists for Inferior Courts selected for 1879 to be used for present year in certain cases.

5. In counties where "the grand jury lists for the inferior courts," from which the grand jury panels for the inferior courts are to be returned for the present year, have not been selected, made and prepared in the manner in the last section mentioned, then, until "grand jury lists for the inferior courts" shall be duly selected in such counties under "the Jurors' Act," as amended by "the Jurors' Act of 1879" and by this Act, every sheriff or other officer whose duty it shall be to return a panel of grand jurors for any inferior court, shall return a panel to be selected from "the grand jury lists for the inferior courts" selected for last year, and such last-mentioned lists shall continue to be "the grand jury lists for the inferior courts" for such last-mentioned counties until new lists shall be duly selected, made and prepared under "The Jurors' Act" as amended as aforesaid.

CHAPTER 10.

An Act to abolish priority of and amongst Execution Creditors.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Creditors' Relief Act, 1880."

Interpretation.

2. In this Act the word "sheriff" shall include coroners; the word "judge" shall mean the judge of the county court of the county or district in which the claims are filed, and shall include a junior or deputy-judge, or a judge of another county authorized by law to act for the judge of the county court in which the claims are filed. If a judge is disqualified to act in any matter arising under this Act, the judge of the county court of an adjoining county shall have jurisdiction in such matter in his place. Any authority by this Act conferred upon a judge of a county court may also be exercised by the court.

Certain rights not affected.

3. This Act shall not affect the rights of execution creditors under writs of execution delivered to a sheriff before this Act takes effect.

Priority abolished.

4. Subject to the provisions hereinafter contained, there shall be no priority between or among creditors by execution from Superior or County Courts.

5. In case a sheriff levies any money upon an execution against the property of a debtor, he shall forthwith enter in a book to be kept in his office, open to public inspection without charge, a notice stating that such levy has been made, and the amount thereof; and such money shall thereafter be distributed, ratably, amongst all execution creditors and other creditors whose writs, or certificates given under this Act, were in the sheriff's hands at the time of such levy, or who shall deliver their writs or certificates to the said sheriff within one calendar month from the entry of such notice; subject, however, to the provisions hereinafter contained as to the retention of dividends in the case of contested claims, and as to the payment of the costs of the creditor under whose writ the amount was made;

Sheriff, after levy, to enter notice thereof.

Distribution.

(2) The said notice shall state the day upon which it was entered and may be in Form A, given in the schedule hereto;

Form of notice.

(3) In case the sheriff shall, subsequently to the entry of such notice, but within the said month, levy any further amount from the property of a debtor, the same shall be dealt with as if such amount had been levied prior to the entry of the said notice, but if after such month any further amount is levied a new notice shall be entered; and the distribution to be made of the amount so levied and of any further amount levied within a month of the entry of such last mentioned notice shall be governed by the entry of such last mentioned notice in accordance with the foregoing provisions of this section; and so on from time to time.

Provisions in case of subsequent levy.

6. No creditor shall be entitled to share in the distribution of money levied out of the property of a debtor unless either by the delivery of a writ of execution, or otherwise under this Act, such creditor has established a claim against such debtor either alone or jointly with some other person or persons.

Who entitled to share in distribution.

7. If a debtor permits an execution issued against him under which any of his goods or chattels are seized by a sheriff, to remain unsatisfied in the sheriff's hands till within two days of the time fixed by the sheriff for the sale thereof, or for twenty days after such seizure, or allows an execution against his lands to remain unsatisfied for nine months after it is placed in the sheriff's hands, the following proceedings may be taken by other creditors in respect of debts which are overdue, in lieu of their obtaining judgments and executions against the debtor in the ordinary way;

Proceedings where debtor allows executions to remain unsatisfied.

(1) An affidavit of the debt and the particulars thereof may be made in duplicate by the creditor, or by one of the creditors in case of a joint debt, or by his or their clerk or some other person on behalf of the creditor or creditors, and cognizant of the facts; which affidavit may be to the effect of form B in the schedule to this Act; prior to or simultaneously with the first filing with the clerk of the county court of an affidavit made under this sub-section, there shall be filed with the said

Affidavit by creditor.

clerk the certificate of the sheriff, or an affidavit, shewing that such proceedings have been had against the debtor as entitle the creditor to proceed under this Act;

Service on debtor.

(2) The claimant is to serve on the debtor one of the said duplicates, and a notice stating that the claimant intends to file the other duplicate affidavit with the clerk of the county court by reason of there being in the sheriff's hands a writ of execution against the goods and chattels (or lands) of the debtor, and that the claimant intends to call on the sheriff to levy the said debt of the property of the said debtor under the authority of this Act; which notice is to contain the other particulars, and may be in the form C, given in the schedule to this Act; the said notice may be either attached to the affidavit served, or endorsed thereon; where the affidavit is to be served out of Ontario the judge shall limit the time at which the next step may be taken by the claimant as hereinafter provided;

Notice by debtor of Solicitor on whom claims may be served.

(3) An execution debtor may give notice in writing to the sheriff that any claims to be served upon him may be served upon any solicitor in the Province, whose name and address shall be given, or by mailing the same to an address stated in such notice; the sheriff shall thereupon enter such notice in the said book, and so long as any execution, which was in the sheriff's hands at the time such notice was given shall remain in his hands, shall repeat such entry immediately below any "Notice A" given in respect of such execution, unless such notice be revoked in writing, in which case the entry or entries thereof shall be marked "revoked;"

Service on Solicitor.

(4) So long as the said notice remains unrevoked as aforesaid, any affidavit of claim and accompanying notice under this Act, may be served upon an execution debtor by serving the same upon such solicitor in accordance with this Act, where a solicitor is named, or if mailing is required, then by mailing the same, enclosed in an envelope, prepaid and registered, to the address given in such notice, and such service shall have the same effect, and may be followed by the like proceedings as personal service;

Service on claimant.

(5) In case the notice "C" served on a debtor does not state some place in or within three miles of the county town of the county in which the proceedings are being taken, at which service may be made upon the claimant, or does not give the name and address of some solicitor in the Province who may be served in the claimant's behalf, service of any notice, paper or document requiring service may be made upon the claimant by mailing the same, prepaid and registered, enclosed in an envelope addressed to the claimant at such county town;

Affidavits to be filed with clerk of county clerk.

(6) The claimant is to file with the clerk of the county court of the county, the sheriff of which has the execution, one of the said duplicate affidavits of claim, and a copy of the said notice, with an affidavit of due service; which affidavit of service may be in the form "D;"

Mode of service.

(7) The copy of affidavit and the notice shall, where practicable, be personally served upon the debtor; but if it be made

made to appear to a judge that the claimant is unable to effect prompt personal service, the judge may make such order for substituted or other service, or may appoint some act to be done which shall be deemed sufficient in lieu of service, as may seem just;

(8) If the claim is not disputed in manner hereinafter mentioned, the said county court clerk—after ten days from the day of personal service, or service under sub-section four, or within the time mentioned in the order (as the case may be), on application and the filing with him of proof of personal service upon the debtor of an affidavit and notice in accordance with this Act, or proof of compliance with a judge's order in that behalf, or upon the determination of the dispute in favour of the claimant, either in whole or in part—shall deliver to the creditor, or any one on his behalf, a certificate to the effect of Form "E," in the schedule hereto; and in case the claim is only disputed as to a part, the creditor may elect, by a writing filed with the clerk, to abandon such part and obtain a certificate as to the residue;

Certificate to be given to creditor where claim not disputed.

(9) This certificate is to be delivered to the sheriff, and thereby from the time of such delivery the claimant shall be deemed to be an execution creditor within the meaning of this Act, and to be entitled to share with creditors who have in the sheriff's hands executions against either lands or goods whatever money is made under such executions, as if he had delivered to the sheriff an execution against lands or goods, or both, as the case may be, and such certificate is in like manner to bind the lands and goods of the debtor; subject however to the debt being afterwards disputed as hereinafter provided for;

Effect of certificate.

(10) A certificate under this Act shall be deemed to be an execution within the meaning of the Revised Statute respecting interpleading;

Certificate an execution within R.S.O., c. 54.

(11) If the certificate is obtained by a solicitor, the name and place of abode of such solicitor are to be endorsed thereon; and if such certificate is sued out by the claimant in person there shall be endorsed thereon a statement of some place in, or within three miles of the county town of the county in which the proceedings are being taken, at which service may be made upon the claimant; and, in default thereof, service of any notice, paper or document requiring service, may be made upon the claimant by mailing the same, prepaid and registered, enclosed in an envelope addressed to the claimant at such county town;

Address for service to be endorsed on certificate.

(12) On receiving the said certificate the sheriff shall make a further seizure of the lands and tenements, or goods and chattels, as the case may be, (if any) of the debtor to the amount of the debt so claimed and the sheriff's fees; and so on from time to time in case more notices are received after the further seizure so made;

On receipt of certificate sheriff to make further levy.

(13) The claim may be disputed by the execution debtor, or by a creditor interested in disputing the same;

Disputing claim.

(14) If the debtor disputes the same, he is for that purpose to file with the clerk an affidavit stating that he has a good defence

Affidavit of debtor.

defence to the claim on the merits, or that he has such defence to a specified part of the claim; but the judge may dispense with such affidavit on terms or otherwise;

Filing and
service of
affidavit.

(15) The debtor is to file such affidavit and serve upon the claimant a copy thereof within ten days after the personal service, or service under sub-section four, upon him of the affidavit of claim and the notice, or within the time which the judge by an order dispensing with personal service directed, or within any further time which in either case the judge may allow; such affidavit is to have endorsed thereon a statement of some place in, or within three miles of, the county town of the county in which the proceedings are being taken, at which service may be made upon the debtor, or the address of some solicitor in the Province who may be served in the debtors' behalf, and in default thereof, service of any notice, paper, or document requiring service, may be made upon the debtor by mailing the same, prepaid and registered, enclosed in an envelope addressed to the debtor at such county town;

Address for
service.

Creditor dis-
puting claim.

(16) If the dispute is by a creditor, he is for that purpose to file with the said clerk an affidavit to the effect, that he has reason to believe that the debt claimed is not really and in good faith due from the debtor to the claimant; but the judge may dispense with such affidavit on terms or otherwise;

Time for filing
affidavit.

(17) Such affidavit by a creditor may be so filed, and a certificate thereof delivered to the sheriff, at any time before distribution is made;

Distribution
by sheriff in
case of contesta-
tion.

(18) In case of a claim being disputed by a creditor after a certificate has been placed in the sheriff's hands, the sheriff, unless the judge otherwise orders, shall proceed and levy as if such contestation had not been made, and the sheriff shall, until the determination of the contestation, retain in the bank the amount which would be apportionable to such claim if valid, and he shall, as soon after the expiry of the said month as practicable, distribute the residue of the money made amongst those entitled;

Proceedings to
enforce claim.

(19) The claimant whose claim is disputed may apply to a judge for an order allowing his claim and determining the amount; and in case he does not make such application within eight days of his receiving notice of the contestation (or within such further time, if any, as the judge upon the delays being reasonably accounted for may allow), he shall be taken to have abandoned his claim; if the disputant is a creditor and there is reason to believe that the contestation is not being carried on in good faith, any other creditor may apply for an order permitting him to intervene in the contest;

Mode of deter-
mining ques-
tions in dis-
pute.

(20) The judge may determine any questions in dispute in a summary manner, or may direct an action or issue, in any court or county, for the trial thereof, and may make such order as to the costs of the proceedings as may be just;

Where sum in
dispute is over
\$400.

(21) Where there is a dispute as to material facts, and the sum in controversy appears to be over four hundred dollars, exclusive

clusive of costs, the judge shall direct the trial to be in one of the superior courts, and may name the county in which the trial is to take place, subject to any order which the superior court or a judge thereof may see fit to make in that behalf. In case an issue is directed it shall be tried in all respects as if it had been a suit in the court in which it was ordered to be tried;

(22) The same proceedings may be had for the examination of parties or others, either before or at the trial, as may be taken in an ordinary action, and such proceedings may also be taken prior to the application to the judge, and as a foundation therefor;

Examination
of parties.

(23) A creditor who has recovered a judgment in a division court against the debtor may serve upon the sheriff a memorandum of the amount of his judgment and of the costs to which he is entitled, under the hand of the clerk and the seal of the division court; and such memorandum so served shall have the same effect for the purposes of this Act as if the creditor had delivered to the sheriff a writ of execution directed to the said sheriff from a county court;

Proceedings
by creditor
who has ob-
tained a di-
vision court
judgment.

(24) Where a creditor has taken in one county the prescribed proceedings in respect of his claim, and desires to establish his claim for the purposes of this Act in another county also, he may do so by obtaining from the said county court clerk another certificate (Form "E"), and delivering the same to the sheriff of such other county, and the delivery of such certificate to such sheriff shall have the same effect for the purposes of this Act in the county in which the same takes place, from the day of such delivery, as if a new notice and affidavit of claim had been served for such county and other proceedings had in respect thereof under the previous provisions of this Act;

Establishing
claim in second
county.

(25) A creditor, entitled to a certificate from the county court clerk, may, if he chooses, sue out a writ or writs of execution into any county in the same manner as on an ordinary judgment;

Writs may be
sued out into
any county.

(26) In case a claim is contested in one county, the decision in such county shall, as between the parties to it, determine the amount of the claim for the purposes of this Act in all other counties in which the claim is filed, and the certificate of the clerk of the county court of the county in which the contest has taken place, of the result thereof, shall be *prima facie* proof of such decision. Such certificate shall, upon payment of a fee of fifty cents, be granted to any party to the proceedings who applies therefor;

Decision in
one county
binding in
others.

(27) The clerk of the county court shall keep a book in which before granting a certificate or issuing an execution for a claim, he shall enter the following particulars with reference to every claim in respect of which he gives a certificate under this Act;

Clerk of
county court
to keep book
of reference.

- (a) The name of every claimant, and of every debtor;
- (b) The date of entry of judgment;
- (c) The amount of debt, exclusive of costs;

(d)

(d) The amount of costs;

(e) If the proceedings have been set aside, this fact, and shortly, the reason thereof;

Effect of entry.

(28) Such entry shall (subject to the provisions of this Act) be an award of judgment for the said debt and costs, and shall have the same effect as an entry of judgment for non-appearance to a specially endorsed writ. The clerk shall index the entries in said book alphabetically under the name of every debtor;

Index to book of reference.

Copy of entry evidence.

(29) In case the original papers happen to be lost or destroyed, a copy of the entry in such book shall be evidence of all matters therein set forth and expressed;

Granting time to debtor.

(30) With respect to claims, the Judge before or after a certificate is issued by the clerk under this Act, or delivered to the sheriff, may, on the application of the debtor, and notice to a claimant, give to the debtor further time to pay the claim where the Judge is of opinion that this can be done without injustice to the creditor, or may give to the debtor further time on terms which in the opinion of the Judge may be just. There may be successive orders for this purpose, but no claim shall be delayed by such orders for more than three months in all;

Preceding sub-section not to apply in certain cases.

(31) The preceding sub-section is not to apply to creditors who have obtained judgment in the ordinary way; and the orders for time are not to prejudice executions obtained by such creditors on such judgments;

Payment by debtor before sale.

(32) In case the debtor, without any sale by the sheriff, pays the full amount owing in respect of the executions and claims in the Sheriff's hands at the time of such payment, and no other claim has been served on the debtor, or in case all executions and claims in the sheriff's hands are withdrawn, and any claims served are paid or withdrawn, no notice shall be entered as required by the fifth section of this Act, and no further proceedings shall be taken under this Act against the debtor by virtue of the executions having been in the sheriff's hands;

Effect of expiry or withdrawal of writs.

(33) Save as aforesaid after a certificate has been filed with the sheriff, the withdrawal or expiry of the writ or writs, upon which the proceedings are founded, or any stay upon such writ or writs, or the satisfaction of the plaintiff's claim thereon, or the setting of such writ or writs aside, or the return thereof, shall not affect the proceedings to be taken under this Act, and except so far as the action taken in regard to such writ may affect the amount to be levied, the sheriff shall proceed and levy upon the goods or lands of the debtor, or both, as he would have proceeded had such writ or writs remained in his hands in full force to be executed, and may also take the like proceedings as he would have been entitled to take had such writ or writs been a writ or writs of *venditioni exponas*;

Service on Toronto agent.

(34) When the name or address of a solicitor is given for service and the place of abode or office of such solicitor is not in or within three miles of the county town where the proceedings

proceedings are carried on, service may be made upon him by serving his agent in Toronto.

8. The clerk shall ascertain and state in his said certificate, ^{Costs of claim-} the amount of the costs to which the claimant is entitled as ^{ant.} against the debtor, such costs shall be the following:

(1) For serving the affidavit of claim, to be allowed upon the superior court scale in the case of claims over four hundred dollars, and on the county court scale in the case of claims exceeding two hundred dollars and not exceeding four hundred dollars, or on the division court scale in the case of claims of two hundred dollars and under;

(2) If the claim does not exceed two hundred dollars no greater fees are to be allowed for service of the claim and notice and mileage in respect thereof, than would be allowable to the division court bailiff for the service of a division court summons and mileage in respect thereof, if the claim had been sued in the proper division court;

(3) The fees paid to the county court clerk under this Act are also to be allowed, which fees shall be the same as he is allowed for like proceedings in the county court, unless the claim appears to be within the jurisdiction of the division court, in which case his fees shall be those allowed for like proceedings in the division court;

(4) Where there is no contest the sum of five dollars for fees of a solicitor (if employed), unless the amount of the claim is within the jurisdiction of the division court, in which case the sum of two dollars only is to be allowed;

(5) In case of a contest, such additional costs (if any) as the judge may allow, and which costs shall be taxed according to the scale of the Superior Courts, County Courts, or Division Courts, according as the amount in dispute is within the jurisdiction of one or other of these courts;

(6) The costs of obtaining an order for substituted service, or other similar order and of such service, or the costs of and incidental to service out of the Province, in either case to be taxed by the clerk of the court, and stated in his certificate aforesaid; if the claim is within the jurisdiction of the division court, only such a sum to be allowed for costs as would have been incurred in obtaining a judgment in the division court.

9. If the sheriff does not find sufficient property of a debtor ^{Sheriff may} leviable under executions and claims in his hands to pay the ^{obtain goods} same in full, and the sheriff finds any goods and chattels in the ^{in hands of di-} hands of the bailiff of a division court under a writ of execution ^{vision court} or attachment against the debtor, the sheriff shall demand and ^{bailiff.} obtain such goods and chattels from the bailiff, who shall forthwith deliver the same to the sheriff, with a copy of every writ of execution in his hands against the debtor, and a memorandum shewing the amount to be levied thereunder, including the bailiff's fees so far as proceedings have been taken by him,

him, and shewing the date upon which each writ was received by him ;

Penalty.

(2) In case the bailiff fails to deliver any of such goods, he shall pay a penalty of double the value of the property retained, such double value to be recovered by the sheriff from the bailiff with costs of suit, and to be by the sheriff accounted for as part of the estate of the debtor ;

Distribution.

(3) The sheriff shall distribute the proceeds of such property amongst the creditors of the debtor under the provisions of this Act, and the division court execution creditors shall be entitled, without further proof, to stand in the same position as execution creditors whose writs are in the sheriff's hands.

Mode of apportioning money where amount insufficient to pay claims in full.

10. Where the amount levied by a sheriff is not sufficient to pay the execution debts and other claims, with costs, in full, the money shall be applied to the payment ratably of such debts and costs of the creditors, after retaining the sheriff's fees.

Levying interest and costs of renewing certificate.

11. The sheriff, if so directed by an endorsement upon the certificate, shall, in addition to the amounts named in the certificate, levy interest thereon from the date of the certificate, or the date named in that behalf in the certificate, and also the sum of one dollar and thirty-five cents for every renewal of the certificate ; and where such renewal is made upon the application of a solicitor, he shall levy the sum of one dollar and twenty-five cents for his costs on the renewal.

Sheriff's poundage.

12. Where money is to be distributed by a sheriff under this Act, the sheriff shall not be entitled to poundage as upon separate writs or claims, but only upon the net proceeds of the estate distributable by him, and at the same rate as if the whole amount had been payable upon one writ.

Money made on any writ to be considered as made on all writs entitled to benefit thereof.

13. Where money is made upon any writ, the same shall be taken for the purposes of the sheriff's return and otherwise, to be made upon all the writs or certificates entitled to the benefit thereof, and the sheriff shall, upon payment being made to the person entitled upon any such writ or certificate, endorse thereon a memorandum of the amount so paid, but he shall not, except on the request of the party issuing the writ, or by direction of the court out of which the same issues, or of a judge having the authority of a judge of such court, return the writ until the same has been fully satisfied, or unless the same has expired by effluxion of time, in which case the sheriff shall, notwithstanding such expiry, make a formal return of the amount made thereon ;

Return.

Time certificate to remain in force.

(2) A certificate issued under this Act shall remain in force for one year, from the date thereof and no longer, unless renewed, but such certificate may from time to time be renewed in the same manner as a writ of *fieri facias*, but notwithstanding the expiry of a writ or certificate prior to the termination of

of the month during which a notice of money having been made is under this Act required to be posted, the said writ and certificate shall, as to any money levied during such month, be deemed to be in full force and effect;

(3) The like proceedings may be taken to compel payment by the sheriff of any money payable in respect to any execution or other claim as can now be had to compel the return by the sheriff of a writ of execution. Compelling payment by sheriff.

14. The sheriff shall, pending the distribution of moneys levied, keep, in the said book mentioned in section five, in his office, a statement according to form "F" in the schedule hereto, shewing, in respect of any debtor of whose property money has been levied the following particulars:— Statement to be kept in sheriff's office pending distribution.

(a) The amounts levied and the dates of levy;

(b) Each execution, certificate, or order in his hands at the time of entering the notice "A" required by section five, or subsequently received during the month, the amount thereof for debt and costs, and the date of receipt, and such statement shall be amended from time to time as an additional amount is levied, or a new execution, certificate or order is received.

15. The sheriff shall at all times answer gratuitously any reasonable question which he may be asked orally in respect to the estate of the debtor by any creditor, or any one acting upon behalf of a creditor, and shall facilitate the obtaining by any such creditor or person full information as to the value of the estate in his county, and the probable dividend to be realized therefrom in his county, or any other information in connection with the estate which the creditor may reasonably desire to obtain. Sheriff to give information as to estate of debtor.

16. Where the money levied is insufficient to pay all claims in full, and the time has come for distributing the money levied, the sheriff may forthwith distribute the same as directed by this Act; or he may first prepare for examination by the debtor and his creditors a list of the creditors entitled to share in the distribution of the amount levied, with the amount due to each for principal, interest and costs; such list to be arranged so as amongst other things to shew the amount going to each creditor under the provisions of this Act, and the total amount to be distributed; and the sheriff may deliver, or send (prepaid and registered) by post, to each creditor or his solicitor or attorney, a copy of the list, with the several particulars aforesaid; and in such case the further proceedings may be as follows: Distribution by sheriff where amount levied insufficient to meet claims.

(1) If within eight days after all the said copies have been delivered or posted, or within any further time the judge may allow, no objection is made as provided by this Act, the sheriff shall make distribution forthwith agreeably to such list;

(2) In case any objection is made as provided by this Act, the sheriff shall forthwith distribute such an amount of the money made, and to such persons *pari passu*, as may not interfere

interfere with the effect of the objection in case the same should be allowed ;

(3) The sheriff may disregard objections which are frivolous, or manifestly insufficient to interfere with the distribution proposed, and distribute as if such objections had not been made ;

(4) Any person prejudiced by the proposed scheme of distribution, may contest the same in manner following, viz., by giving a notice in writing to the sheriff, stating therein distinctly his objection to the scheme (or any part thereof) and the grounds of objection, and by, at the same time, delivering to the sheriff an affidavit of previous service of a copy of the notice on the debtor and the creditors interested in resisting the objection, unless the judge shall by order have dispensed with such service, or on affidavit of such service as the judge shall have sanctioned ;

(5) The contestant shall, within eight days thereafter, apply (upon notice) to the judge for an order adjudicating upon the matter in dispute ; and otherwise the contestation shall be taken to be abandoned. The notice may be in the Form G in the schedule hereto ;

(6) The judge may determine any questions in dispute in a summary manner, or may direct an issue or action for the trial thereof, either by a jury or otherwise and in any court or county, and may make such order as to the costs of the proceedings as may be just. This sub-section is subject to the same provisions as are set forth in the nineteenth sub-section of section seven of this Act ;

(7) In the event of a claimant under a contestation being held not entitled, or only entitled to part of his claim, the money retained pending the contestation, or the portion as to which the claimant shall have failed, shall be distributed among the execution creditors and other creditors who would have been entitled thereto, as the same would have been distributed had the claim in respect thereof not been made.

Directions by judge to avoid unnecessary parties and trials.

17. In case several creditors are interested in any contestation, either for or against the same, the judge shall have authority to give, and shall give, such directions for saving the expense of an unnecessary number of parties and trials, and of unnecessary proceedings, as may be just, and he shall direct by whom and in what proportions any costs incurred in the contestation, or in any proceedings thereunder, shall be paid ; and whether any and what costs shall be paid out of the money levied.

Direction by judge to sheriff where claims disputed.

18. The judge may, if he sees fit, direct the sheriff to levy for an amount sufficient to cover a claim which is in dispute, or part thereof, or in case it appears to the judge that it is improbable that the defendant has other sufficient property, may order the sheriff to retain in his hands during the contestation the share which, if the claim is sustained, will be apportionable

portionable to it, or may make an order combining the orders above authorized, or such similar order as may be just;

(2) An order to levy under this section shall clothe the sheriff with the same authority as he would possess under writs of execution, duly issued against the debtor, directing the said sheriff to levy the like amount out of the goods, chattels, lands and tenements of the debtor.

19. The decision of a county court judge or the court of appeal under this Act, shall bind all creditors, unless it appears that the decision was obtained by fraud or collusion by the parties to the contestation.

Decisions to be binding on all creditors.

20. In case a sheriff has money in his hands, which, by reason of the provisions of this Act, or otherwise, he cannot immediately pay over to the execution creditors, or other claimants under this Act, he shall deposit the money, whenever the same amounts to one hundred dollars, in some incorporated bank designated for this purpose from time to time by order of the Lieutenant-Governor in Council, or where there is no such bank, then in some incorporated bank in which public money of the Province is then being deposited: such deposit to be made in the name of the sheriff, not generally, but to a special account in his name as "Trustee for the creditors of" (the debtor).

Sheriff to deposit moneys in bank.

21. Where there are in the sheriff's hands several executions and claims, and there are not, or do not appear to be, sufficient lands or goods, as the case may be, to pay all, with his own fees, he may apply for an order attaching any debt owing to the execution debtor by any persons resident in the county of such sheriff, whether such debt is owing by such person alone or jointly with any other person resident or not resident in such county, and to procure such attachment the sheriff may take the same proceedings as a creditor; and in such case any writ of execution, or other writ in the course of the proceedings, may be directed to him in the same manner as if the attachment were by a creditor; and what comes to the sheriff's hands in respect of the debts attached, he shall distribute in the same manner as if he had realized the same from property seizable by him under execution;

Attaching orders by sheriff or creditors.

(2) In case the sheriff does not take such proceedings, any person entitled to distribution may take the same for the common benefit of himself and all other persons entitled to distribution as aforesaid, and the person owing the attached debt shall pay the same to the sheriff;

(3) Any judgment creditor who attaches a debt shall be deemed to do so for the common benefit of himself and all creditors entitled under this Act; payment of such debt shall be made to the sheriff, who in making distribution will apportion to such judgment creditor a share *pro rata*, according to the amount owing upon his judgment, of the whole amount to be distributed

distributed under the provisions of this Act, but such share shall not exceed the amount recovered by such garnishee proceedings unless the judgment creditor has placed a writ in the sheriff's hands ;

(4) Money garnished and paid into the sheriff's hands shall be deemed to be money levied under execution, within the meaning of this Act, except that, unless the garnishee proceedings were taken by him, the sheriff shall only be entitled to charge poudage on such moneys at the rate of one and a quarter per cent.

Appeal.

22. If any party to any contestation, matter, or thing upon which a judge has made or rendered any final order or judgment, is dissatisfied with such order or judgment, and the same is in respect to a question involving a sum greater than one hundred dollars, he may appeal therefrom to the court of appeal, subject to the like practice as near as may be, including the giving of security for costs, as may be from time to time in force in respect of appeals from the county court, unless and until the judges of the said Court of Appeal shall enact rules establishing a different practice for such proceedings under this Act ; and the said judges, or a majority of them, are hereby authorized to frame and enact rules to govern such practice.

R.S.O., c. 49,
s. 45 to apply.

23. The provisions of the forty-fifth section of "The Administration of Justice Act" shall apply to this Act.

Affidavits how
taken.

24. Affidavits required by this Act may be taken before any commissioner or other person authorized to administer oaths for use in any of the superior courts.

Powers of
judge.

25. A judge for the purpose of giving effect to this Act and carrying out its provisions shall have all the powers which a county court or a judge thereof has by law for other purposes; and any proceedings wrongly taken under this Act may be set aside by the judge, with or without costs as he may think fit, in the same manner as other proceedings wrongly taken in his court.

Defects of
form.

26. No proceeding under this Act shall be void for any defect of form ; and the rules, for amending or otherwise curing irregularities or defects, which may from time to time be in force in the county courts shall apply to this Act.

Scale of fees.

27. Beside the fees otherwise authorized to be paid to the clerk of the County Court for his own use, the following fees shall be levied on the following proceedings under this Act upon all claims filed, where the amount of the claim exceeds two hundred dollars, and the same shall be payable to the Crown in stamps, subject to the provisions of the Act respecting Law Stamps, and shall form part of the Consolidated Revenue Fund of the Province :—

| | \$ | cts. |
|--|----|------|
| On an affidavit of claim, where the amount claimed exceeds \$200 but does not exceed \$400..... | 0 | 75 |
| On every such affidavit where the claim exceeds \$400.. | 1 | 50 |
| On every certificate of clerk given under sec. 7, where the claim exceeds \$200, but does not exceed \$400.. | 0 | 75 |
| On every such certificate where the claim exceeds \$400 | 1 | 50 |
| On every order made by the Judge under sec. 7, where the claim exceeds \$200, but does not exceed \$400.. | 0 | 50 |
| On every such order where the claims exceeds \$400.. | 1 | 00 |

Where the claim is contested, on the proceedings after the order, the same fees as are now payable on like proceedings in the Superior Courts of law.

28. This Act is not intended to interfere with the Insolvency Laws which may from time to time be in force in this Province, but this Act is intended to be subject to such laws, and subject as aforesaid to apply to all debtors whether solvent or not.

Act not to interfere with Insolvency Laws.

29. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

Time Act to take effect.

SCHEDULE OF FORMS.

FORM "A."

(Section 5, sub.-s. 2.)

SHERIFF'S NOTICE.

Notice is hereby given that I have, by virtue of certain executions delivered to me against the goods and chattels (or lands) of C. D., levied and made out of the property of the said C. D., the sum of \$

And notice is further given that this notice is first posted in my office on the first day of May, 1880, and that distribution of the said money will be made amongst the creditors of the said C. D. entitled to share therein, at the expiration of one month from the said first day of May.

Dated 1st May, 1880.

F. G.
Sheriff.

FORM "B."

(Section 7, sub-s. 1.)

AFFIDAVIT OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of [state
county or united counties in which it is intended proceedings
shall be taken].

A. B.....Claimant,

vs.

C. D.....Debtor.

I, A. B., of in the county of
Merchant (or as the case may be) make oath and say:—

1. I am the above named claimant (or the duly authorized
agent of the claimant in this behalf, and have a personal
knowledge of the matter hereinafter deposed to).

2. The above named debtor is justly and truly indebted to
me (or to the above named claimant) in the sum of

dollars for [here state shortly the nature and particulars
of the claim as they are required to be stated upon a specially
endorsed writ].

Sworn before me at
this day of
A. D. 18

}

FORM "C."

(Section 7, sub-s. 2.)

NOTICE TO BE SERVED WITH CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To the above (or within) named debtor.

Take notice that the claimant intends to file with the clerk
of the County Court of (or of the united counties
of) the original affidavit of claim of which a
duplicate is served herewith, and that this proceeding is taken by
reason of there being in the hands of the sheriff of the said county
(or united counties) a writ of execution against your goods and
chattels (or lands), and that the claimant intends to call on the
sheriff to levy the amount of the said debt from your property
under the authority of "The Creditors' Relief Act, 1880."

And further, take notice that in case you desire to dispute the
said claim, or any part thereof, you must, within ten days after
the service of this notice upon you, file with the clerk of the
said

said court an affidavit stating that you have a good defence to the said claim on the merits, or that you have such defence to a specified part of the claim, otherwise such claim will be treated as admitted by you, or may be so treated as to the part not disputed.

You are further hereby notified that unless you endorse upon such affidavit filed by you a statement of some place in, or within three miles of the county town of the said county (*or* united counties) at which service may be made upon you, or the address of some solicitor in the Province of Ontario who may be served on your behalf, service may be made upon you of any notice, paper, or document requiring service, by mailing the same enclosed in an envelope addressed to you at said county town.

NOTE.—In case the above notice is endorsed upon the copy of the affidavit served, the heading of the notice may be omitted. Where further time is given by a judge, the notice should be varied accordingly.

FORM "D."

(Section 7, sub-s 6.)

AFFIDAVIT OF SERVICE OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I, G. H., of in the county of
make oath and say:—

1. That I did, on the day of personally
serve C. D., the above named debtor, with an original affidavit
identical with the annexed affidavit, and that there was at the
time the said affidavit was so served, attached to (*or* endorsed
upon) the said affidavit so served a true copy of the notice ad-
dressed to the debtor now attached to (*or* endorsed upon) the
said annexed affidavit.

Sworn before me at
this day of }
A. D. 1880. }

FORM "E."

(Section 7, sub-ss. 8 and 24.)

CERTIFICATE OF PROOF OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I,

I, _____ clerk of the County Court of
the County of _____, do hereby certify that
the above named claimant did on the _____ day of _____
file with me a claim against the above named
debtor, for the sum of _____ together with an affidavit
of personal service thereof (*or as the case may require*) and of
the notice required by the Creditors' Relief Act, 1880, upon
the said debtor, and that it thereby appears that such service
was made upon the said debtor on the _____
day of _____

And I further certify that the debtor has not disputed the
said claim (*or, has only disputed the sum of*
portion of the said claim, *or as the case may be*), and that the
claimant is entitled to the sum of _____
against the said debtor _____ and the further sum
of _____ for costs.

FORM "F."

(Section 14.)

SHERIFF'S STATEMENT OF EXECUTIONS ON HAND AGAINST *C. D.*

| CAUSE. | Proceeding. | Claim without Costs. | Costs. | Date of receipt by Sheriff. | Amount Levied. | Date of Levy. |
|---------------------------------|-----------------------------------|-------------------------|--------|--------------------------------|----------------|---|
| | | \$ | \$ | | \$ | |
| A. B. vs. C. D. | <i>Fi. fa.</i> goods .. | 504 | 30 | 18th Feb., 1880 .. | 500 | 1st May, 1880. |
| F. G. vs. C. D. & E. G. | <i>Fi. fa.</i> lands .. | 400 | 20 | 1st March, 1880 .. | 300 | 3rd May, 1880. Nothing made against E. G. |
| K. L. vs. C. D. | Garnishee or- der | 500 | 30 | | 300 | 10th May, 1880. |
| M. N. vs. C. D. | Creditor's Cer- tificate | 400 | 5 | 15th May, 1880. | | |

FORM G.

(Section 16, sub-section 5.)

CONTESTATION OF SCHEME OF DISTRIBUTION.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To F. G. and M. N., claimants of moneys levied by the Sheriff
of the County of out of the estate of C. D.

Take notice that I will on the day
of next apply to the judge of the County
Court of the County of at his chambers at
the court house in the Town of for an order
adjudicating upon the right of you the said

to rank upon the said moneys for any amount whatever
(or as the case may be); and further take notice that I will,
upon the said application, read the affidavits of E. F. and X. Y.
filed with the clerk of the said court.

CHAPTER 11.

An Act respecting Coroners' Inquests.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. No fees shall be claimable by any coroner in respect of an inquest, unless, prior to the issuing of his warrant for summoning the jury, he shall have made a declaration in writing under oath (which oath may be administered by any justice of the peace or commissioner for taking affidavits in the Superior Courts, and shall be returned and filed with the inquisition), stating that from information received by such coroner, he is of opinion that there is reason for believing that the deceased did not come to his death from natural causes or from mere accident or mischance, but came to his death from violence or unfair means or culpable or negligent conduct of others, under circumstances requiring investigation by a coroner's inquest.

Fees for
inquest not
allowed to
coroners in
certain cases.

When preceding section not to apply.

2. The preceding section shall not apply to any inquest held upon the written request of the county attorney; or to any inquest held in the Districts of Muskoka, Parry Sound, Thunder Bay and Nipissing, upon the written request of a stipendiary magistrate; or to any inquest held under the third section of the Revised Statute respecting Coroners, or under other similar provisions.

Request for second medical witness to be attached to order for payment of fees.

3. The written request of the jury for a second medical witness referred to in section eight of chapter seventy-nine of the Revised Statutes of Ontario, shall be attached by the coroner to the order given by him on the treasurer of the county for the payment of the fees of such second medical witness.

Payment for burials by cities, etc.

4. Subject to the provisions of the Revised Statutes of Ontario, chapter one hundred and forty-three, any unclaimed human body found dead within the limits of a city, town, incorporated village or township, shall be buried at the expense of the corporation of such city, town, village or township, but such corporation may recover such expense from the estate of the deceased.

CHAPTER 12.

An Act respecting the Administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS by chapter nineteen of the Statutes passed in the forty-second year of Her Majesty's reign, the Legislature of Ontario made provision for the administration of justice in the northerly and westerly parts of Ontario; and whereas certain objections have been put forward to the said Act by the Government of Canada, and there is reason to apprehend that the disallowance of the said Act may be advised unless the Act is repealed within the time for its disallowance; and whereas the Legislature of Ontario claims that all the provisions of the said Act are within its authority, and are a due exercise of its legislative powers, and are necessary for the proper administration of justice in the said parts of Ontario, and the said Legislature does not deem it expedient to repeal the said Act; and whereas, while respectfully protesting against the disallowance thereof, the said Legislature is desirous of making such provision for the Administration of Justice within the remote territories of Ontario as under the circumstances may be practicable, the same to take effect in the event of the said Act being disallowed:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall not take effect unless the said Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario shall be disallowed, but in case the said Act is disallowed, this Act shall go into force immediately upon such disallowance.

When Act to take effect.

2. The Lieutenant-Governor in Council may, from time to time, by proclamation, detach any territory from the District of Algoma, and annex the same to the District of Nipissing, and may also, in like manner, limit the territory which, for registry purposes, shall be included within the Districts of Algoma, Thunder Bay and Nipissing respectively.

Alteration of limits of territory by proclamation.

3. The appointments heretofore made of two Stipendiary Magistrates for each of the said Districts of Thunder Bay and Nipissing are hereby continued during the pleasure of the Lieutenant-Governor, and the Lieutenant-Governor may from time to time, so often as vacancies occur, appoint for each of the said districts of Thunder Bay and Nipissing, as so constituted, two stipendiary magistrates, who shall hold office during pleasure; and the stipendiary magistrates for Thunder Bay shall exercise within such district the magisterial, judicial and other functions provided for in the Revised Statute respecting the territorial Districts of Muskoka, Parry Sound and Thunder Bay; and the stipendiary magistrate for the District of Nipissing shall exercise within such district the magisterial, judicial and other functions provided for in the Revised Statute respecting the administration of justice in unorganized tracts.

Stipendiary Magistrates may be appointed.

4. The expression "Stipendiary Magistrate," wherever it occurs in either of the said statutes, shall be taken to apply to any stipendiary magistrate appointed for the district under the provisions of the said Acts or of this Act; and the Lieutenant-Governor in Council may, from time to time, make such regulations as he considers expedient, in order to secure the due and convenient holding of Division Courts within the said districts.

"Stipendiary Magistrate" defined.

5. Subject to the exceptions in the next section contained, the District Court of the District of Algoma shall, in addition to its present jurisdiction, have jurisdiction and hold plea;

Jurisdiction of District Court of Algoma.

(1) In all personal actions where the amount claimed does not exceed four hundred dollars;

(2) In all actions and suits relating to debt, covenant and contract, where the amount or balance claimed does not exceed eight hundred dollars;

Provided always as to the additional jurisdiction so hereby conferred that the contract was made within Algoma, or the cause of action arose therein, or the defendant resides therein;

(3) For the recovery of the possession of real estate in the said district;

(4) In replevin, where the value of the goods or other property

property

perty or effects distrained, taken or detained does not exceed the sum of four hundred dollars, and the goods, property or effects to be replevied are in the said district.

Exceptions to jurisdiction.

6. But the said District Court shall not have jurisdiction in any of the following cases :—

(1) Actions for a gambling debt; or upon a note of hand or other document given wholly or partly in consideration of a gambling debt;

(2) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage, if the damages sought to be recovered exceed two hundred dollars;

(3) Actions against a justice of the peace for anything done by him in the execution of his office, if the damages claimed exceed one hundred dollars.

Lieutenant-Governor may appoint a Deputy Clerk for Thunder Bay.

7. The Lieutenant-Governor may from time to time appoint, under the Great Seal, an officer for the District Court of the Provisional Judicial District of Algoma, to be called the Deputy Clerk for Thunder Bay, who shall keep his office in such place within the District of Thunder Bay as the Lieutenant-Governor shall direct; and the appointment of a Deputy-Clerk for Thunder Bay heretofore made is continued during the pleasure of the Lieutenant-Governor;

Clerk of First Division Court of Thunder Bay to act as Deputy Clerk when office vacant.

(2) In case after an appointment has been made a vacancy occurs in such office, the Clerk of the First Division Court of Thunder Bay shall, *ex officio*, be such Deputy Clerk until another appointment is made;

Duties of Deputy Clerk.

(3) Such Deputy Clerk shall issue writs for the commencement, in the District of Thunder Bay, of actions in the said District Court; and, in respect of actions commenced by the issue of such writs out of his office and of proceedings therein, such Deputy Clerk shall perform the like duties and shall have the like powers and rights as are performed or possessed by the Clerk of the said District Court at Sault Ste. Marie in respect of actions commenced by writs sued out of his office and of proceedings therein, and the said Deputy Clerk shall also issue such other writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be renewed;

Writ of *capias* not to be executed out of District.

(4) No writ of *capias* issued under the next preceding section, shall be executed outside of the District of Thunder Bay; and every writ of *capias* so issued shall be marked by the Clerk, as follows: "Only to be executed within the District of Thunder Bay;" but this shall not prevent a copy of such writ of *capias* being served at any place within Ontario;

Seal of Court.

(5) The Deputy Clerk of the said District Court shall have the custody of a seal in design similar to the seal of the Court in the custody of the Clerk at Sault Ste. Marie, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every

writ,

writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court.

8. In ejectment for lands situated in Thunder Bay, or in any other action in the said District Court where the venue is local, and the cause of action arose in the District of Thunder Bay, the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the Territorial District of Thunder Bay, but the Judge may if he sees fit, change the venue in any action.

Issue of writ and venue in actions of ejectment.

9. The time allowed for appearance to a writ of summons issued as aforesaid for service within Ontario, or to a writ of *capias* or replevin issued as aforesaid, shall be twenty days after the service of the writ inclusive of the day of such service;

Time allowed for appearance ;

(2) The time allowed in any writ of *capias* issued as aforesaid, for putting in special bail, shall be thirty days, inclusive of the day of execution, unless a different time is fixed by the order for the writ ;

for putting in special bail ;

(3) The time allowed for appearance to any writ of ejectment issued as aforesaid, shall be thirty days, inclusive of the day of service.

in ejectment.

10. In respect of actions commenced or to be commenced by the issue of process out of the office of the said Deputy Clerk, the Stipendiary Magistrate of Thunder Bay shall be an officer of the said District Court, and may, subject to an appeal to the Judge, do all such things, and transact all such business, and exercise all such authority and jurisdiction in respect of the same, as by virtue of any statute or custom, or by the rules and practice in force in the said District Court, are now or under the provisions of this Act may be done, transacted, or exercised by the said Judge sitting at Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say :—

Powers and jurisdiction of Stipendiary Magistrate of Thunder Bay.

(a) The referring of causes under the Common Law Procedure Act ;

(b) Reviewing taxation of costs ;

(c) Staying proceedings between verdict and judgment ;

(2) In such excepted matters, the said Stipendiary Magistrate may issue a summons, returnable before the Judge, with or without a stay of proceedings, as he may think proper ;

(3) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back to the Stipendiary Magistrate with such directions as he may think fit ;

(4) Appeals from the Stipendiary Magistrate's order or decision shall be made by summons, such summons to be taken out within ten days after the decision complained of, or within such

such further time as may be allowed by the Judge, or by the said Stipendiary Magistrate ;

(5) An appeal shall be no stay unless so ordered by the Judge, or Stipendiary Magistrate ;

(6) The costs of an appeal shall be in the discretion of the Judge ;

(7) The fees and the scale of allowance thereof for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge ;

(8) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same, such terms or conditions as he deems expedient.

Costs.

11. Where the amount claimed in any action in the said District Court, or where in the case of ejectment or replevin the subject-matter of the action, as appearing in the writ in ejectment or in the affidavit filed to obtain the writ in replevin, is beyond the jurisdiction of the County Courts in other parts of Ontario, costs to a successful defendant shall be taxed upon the Superior Court scale ;

(2) In like manner where the plaintiff recovers in respect to a cause of action beyond the jurisdiction of the said County Courts, costs shall be taxed to him on the Superior Court scale, subject however to his obtaining the certificate or order of the Judge where under the Common Law Procedure Act such certificate or order is required in the Superior Courts ;

Costs of attorneys.

(3) In respect to any action within the provisions of the first part of this section the Attorney of an unsuccessful plaintiff shall be entitled to charge his client County Court costs only, unless he was instructed in writing by such client to sue in respect to a matter beyond the jurisdiction of the said County Courts, in which case the said Attorney shall be entitled to charge costs upon the Superior Court scale ;

Revision of taxation.

(4) Either party may as of right upon giving twenty days notice to the opposite party have the taxation of costs by the Deputy-Clerk revised by the Clerk at Sault Ste. Marie.

Lieutenant-Governor may appoint a sheriff for district of Thunder Bay.

12. The Lieutenant-Governor may appoint a Sheriff of the said District of Thunder Bay, who shall keep an office at Prince Arthur's Landing in the said district, and the appointment of such Sheriff heretofore made is hereby continued during the pleasure of the Lieutenant-Governor ;

S. 13 and part of s. 12 of R. S. O., c. 7 repealed.

(2) The thirteenth section of the Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound and Thunder Bay, and all of the twelfth section of the said Statute after the word "Simcoe" shall remain repealed; and the said District of Thunder Bay shall continue separate from the bailiwick of the Sheriff of the District of Algoma ;

Writs to whom to be directed.

(3) All writs and other process requiring to be directed to a Sheriff and intended to be executed within the said District of

of Thunder Bay shall be directed to the said Sheriff of Thunder Bay;

(4) Provided, however, that such repeal, or anything herein contained, shall not prevent the Sheriff of Algoma from proceeding upon, and completing the execution or service within the said District of Thunder Bay, of any writ of mesne or final process in his hands at the time of such repeal, or any renewal thereof, or any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of the said Sheriff of Algoma in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further;

Repeal not to affect certain proceedings of Sheriff of Algoma.

(5) The Revised Statute respecting the office of Sheriff shall apply to the said Sheriff of Thunder Bay, except that it shall not be necessary for the Sheriff to justify in a sum greater than two thousand dollars over and above his just debts, nor shall it be requisite that such Sheriff shall be possessed of real estate to the said amount;

R. S. O., c. 16, to apply.

(6) Neither the Sheriff of Algoma nor the Sheriff of Thunder Bay shall be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until an amount reasonably sufficient to cover his mileage in travelling for the purpose of executing or serving the writ, paper, or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles;

Sheriff not required to effect service until mileage paid.

(7) Where the distance is less than ten miles no such Sheriff shall be required to execute or serve such writ, paper, or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the Attorney, Solicitor, or party whose name is endorsed on such writ, paper, or proceeding, or by whom such service is required, that prepayment of mileage will be required before execution or service of any writ, paper, or proceeding which such Attorney, Solicitor or party may desire to have served;

Provision in case distance less than ten miles.

(8) No Sheriff, Deputy-Sheriff, or other officer shall sell or expose for sale under execution, any lands or tenements in the District of Algoma, except during the months of July, August, September, or October.

Time for sales of land limited.

13. The following is hereby continued as substituted for the sixteenth section of the Revised Statutes of Ontario, chapter seven:

New section substituted for R. S. O., c. 7, s. 16.

Any gaol or lock-up erected in the said District of Thunder Bay, under the authority of the Lieutenant-Governor, or any building so declared by order in Council, shall be a common gaol of such District, and of the Provisional Judicial District of Algoma, for the safe custody of persons charged with the commission within the said District of Thunder Bay of crimes, or with the commission therein of offences against any Statutes of this

this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said District of Thunder Bay; or for the confinement of persons sentenced within the said District for crimes or for offences as aforesaid for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced.

Act to be construed partly with R. S. O., c. 90, and partly with R. S. O., c. 7.

14. The provisions of this Act, so far as they relate to the Districts of Algoma and Nipissing, shall be construed as part of the Revised Statute respecting the Administration of Justice in Unorganized Tracts, and so far as they relate to the District of Thunder Bay, they shall be construed as part of the said Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound, and Thunder Bay.

CHAPTER 13.

An Act respecting Niagara Falls and the adjacent territory.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS it has been proposed that the Governments of the Dominion of Canada and the State of New York should take steps to restore, to some extent, the scenery around the Falls of Niagara to its natural condition, and to preserve the same from further deterioration, as well as to afford to travellers and others facilities for observing the points of interest in the vicinity; and whereas it is desirable that any action that the Government and Parliament of Canada may desire to take for the purpose of acquiring the lands in the neighbourhood of the Falls with a view to the said objects should be aided in manner hereinafter appearing so far as relates to any matter within the authority of the Legislature of Ontario;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Minister of Public Works of Dominion may acquire land.

1. The Minister of Public Works of the Dominion of Canada may, if he thinks fit, acquire and take possession for and in the name of Her Majesty of any land or real estate, streams, waters, water-courses, fences and walls, the appropriation of which is, in his judgment, necessary or expedient to be acquired or taken for

for the purposes aforesaid, and may need, or be supposed to need, the authority of the Legislature of Ontario in this behalf.

2. The said Minister may, if he thinks fit, for any such purpose contract with all persons, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on behalf of those whom they represent, whether infants, absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of or interested in such lands, real property, streams, water and water-courses; and all such contracts and all conveyances or other instruments made in pursuance of any such contract, shall be valid to all intents and purposes whatever.

May contract with trustees and with persons under disability.

3. The said Minister may, if he thinks fit, for the purposes of the preceding section, take any proceeding which the Commissioner of Public Works of Ontario is by the Revised Statute respecting the public works of Ontario authorized to take for acquiring or taking possession of any land, the appropriation of which is in his judgment necessary to be acquired or taken for the use of a public work, and the provisions of the said Revised Statute shall, with the substitution of the Minister of Public Works of Canada for the Commissioner of Public Works of Ontario, wherever the said Commissioner is mentioned or referred to in the said Act, extend to any action or proceeding taken under this Act, except that the arbitrators from time to time appointed under the Act respecting the Public Works of Canada passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, shall be the arbitrators to whom any matter arising under this Act shall be referred.

Minister of Public Works to have powers conferred on Commissioner of Public Works by R. S. O. c. 30.

4. Any court or judge having authority under the said Revised Statute shall have the like authority in any similar proceeding taken under this Act.

Powers of court or judge

5. Where, under or by virtue of this Act, any payment is to be made by the Minister of Public Works of Canada, the Minister of Public Works shall not under this Act be in any wise personally liable therefor, or for any proceedings had or taken by virtue of this Act.

Minister of Public Works not personally liable.

6. The compensation money agreed upon, or paid into court as is provided by the said Revised Statute respecting the public works of Ontario, or awarded by the arbitrators mentioned in section three of this Act, for any lands or property acquired or taken by the said Minister, and which may under this Act be taken by the said Minister without the consent of the proprietor, shall stand in the stead of such lands or property; and any claim to or encumbrance upon such lands or property shall, as respects the Crown, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the lands or property themselves, which

Compensation to be in place of land or any charge thereon.

which shall by the fact of the taking possession thereof under this Act, notwithstanding any irregularity in the previous proceedings, become and be absolutely vested in the Crown, as shall also any lands or property taken possession of by the Crown under this Act, whether there be or be not any conveyance, agreement, or award respecting the same, subject always to the determination of the compensation to be paid, and to the payment thereof when such conveyance, agreement, or award has been made.

Abandonment
of purchase.

7. In case the Minister of Public Works takes proceedings under this Act, and compensation is awarded by the arbitrators, if the said Minister has not taken possession of the land or property in respect of which such compensation is so awarded, he may, within six months after the publication of the award, elect to abandon the proposed purchase, paying to the owner or occupier in whose favour compensation has been awarded any costs and charges reasonably incurred by such owner or occupier in and about the arbitration and other proceedings.

CHAPTER 14.

An Act to amend certain particulars in the law of Real Property.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

B.S.O., c. 108,
s. 26 repealed.

1. No person shall hereafter acquire a right by prescription to the access and use of light to or for any dwelling-house, work-shop or other building; and the thirty-sixth section of the Real Property Limitation Act is hereby repealed; but this section shall not apply to any such right which has been already acquired by twenty years' use before the passing of this Act.

Meaning of
"heir" in a
devise of real
estate.

2. Where any real estate is devised by any testator, dying after the passing of this Act, to the heir or heirs of such testator, or of any other person, and no contrary or other intention is signified by the will, the words "heir" or "heirs" shall be construed to mean the person or persons to whom such real estate would descend under the law of Ontario in case of an intestacy.

Time from
which right to

3. Where a dowress has, after the death of her husband,
actual

actual possession of the land of which she is dowable, either alone or with heirs or devisees of her husband, the period of ten years within which her action of dower is to be brought shall be computed from the time when such possession of the dowress ceased. This section does not apply to any case in which the right of action has ceased before the passing of this Act.

4. The ninth section of the Act respecting Dower, chapter one hundred and twenty-six of the Revised Statutes, shall apply to any case where any person owns or has the right to sell (whether as trustee or otherwise) land which is subject to the dower of a lunatic, whether such dower is inchoate or complete, and whether the person applying is or is not the husband of the lunatic; and the tenth section of the same Act shall apply to any case in which an agreement for sale had been made, a conveyance executed by the husband before the passing of this Act and part of the purchase money retained by the purchaser on account of dower, or an indemnity given against such dower.

R. S. O., c. 126, secs. 9 and 10, extended to other cases.

CHAPTER 15.

An Act to amend the Revised Statute respecting Mortgages and Sales of Personal Property.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section seven of the Revised Statute, chapter one hundred and nineteen, respecting Mortgages and Sales of Personal Property, is hereby amended by striking out the words “where the mortgagor or bargainor if a resident in Ontario resides at the time of the execution thereof, or if he is not a resident then in the office of the clerk of the county court of the county, or union of counties,” in the third, fourth, fifth and sixth lines of the said section.

R. S. O. c. 119, s. 7, amended.

2. Section ten of the said Revised Statute is hereby repealed, and the following substituted therefor:

Sec. 10, repealed.

10. Every mortgage, or copy thereof, filed in pursuance of this Act, shall cease to be valid, as against the creditors of the persons making the same and against subsequent purchasers and mortgagees in good faith for valuable consideration, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of

Statement to be filed yearly or mortgage invalidated as against creditors.

amended by 44 Vic c 12 — 1 (1881).

one

(Statement to be filed each year—

one year, a statement exhibiting the interest of the mortgagee, his executors, administrators or other assigns, in the property claimed by virtue thereof, and shewing the amount still due for principal and interest thereon, and shewing all payments made on account thereof, is again filed in the office of the clerk of the county court of the county, or union of counties, wherein such goods and chattels are then situate, with an affidavit of the mortgagee, or one of several mortgagees, or of the assignee or one of several assignees, or of the agent of the mortgagee or assignee, or mortgagees or assignees (as the case may be), duly authorized in writing, for that purpose, (a copy of which authority shall be filed therewith,) that such statement is true, and that the said mortgage has not been kept on foot for any fraudulent purpose.

Form of statement and affidavit.

3. The statement and affidavit mentioned in the next preceding paragraph may be in the form given in the schedule to this Act, or to the like effect.

Mode of filing and entering affidavit and statement.

4. The said statement and affidavit shall be deemed one instrument and be filed and entered in like manner as the instruments mentioned in the said Revised Statute are, by section eight thereof, required to be filed and entered, and the like fees shall be payable for filing and entering the same as are now payable for filing and entering such instruments.

Sec. 15 repealed.

5. Section fifteen of the said Revised Statute is hereby repealed, and the following substituted therefor:

15. Where a mortgage has been renewed under section ten of this Act, the endorsement or entries required by the preceding section to be made need only be made upon the statement and affidavit filed on the last renewal, and at the entries of such statement and affidavit in the said book.

An authority to take or renew mortgages may be a general one.

6. An authority for the purpose of taking or renewing a mortgage or conveyance under the provisions of the said Revised Statute may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee.

Sec. 17 amended.

7. Section seventeen of the said Revised Statute is hereby amended by striking out all the words in the said section down to and inclusive of the word "but," where it occurs in the fifth line thereof, and substituting therefor the word "when;" and by adding thereto after the words "County court," in the ninth line thereof, the words following, "and with the substitution of ten days for five days as the time within which the instrument or a copy thereof shall be registered."

Sec. 18 amended.

8. Section eighteen of the said Revised Statute is hereby amended by striking out all the words in the said section down to and inclusive of the word "but," in the fourth line thereof, and substituting therefor the word "when."

9. Section nineteen of the said Revised Statute is hereby amended by striking out all the words in the said section down to and inclusive of the word "but," in the fourth line thereof, and substituting therefor the word "when."

Sec. 19
amended.

10. This Act shall not come into force until the first day of October next, and may be cited as "The Mortgages and Sales of Personal Property Amendment Act, 1880."

Time Act to
come in force.
Mode of
citation.

SCHEDULE.

(Section 3.)

Statement exhibiting the interest of *C. D.* in the property mentioned in a Chattel Mortgage dated the _____ day of _____ 18____, made between *A. B.*, of _____ of the one part, and *C. D.*, of _____ of the other part and filed in the office of the clerk of the county court of the county of _____ on the _____ day of _____ 18____ and of the amount due for principal and interest thereon, and of all payments made on account thereof.

The said *C. D.* is still the mortgagee of the said property, and has not assigned the said Mortgage (*or* the said *E. F.* is the assignee of the said Mortgage by virtue of an assignment thereof from the said *C. D.* to him, dated the _____ day of _____ 18____,) (*or as the case may be*).

No payments have been made on account of the said mortgage (*or* the following payments, and no other, have been made on account of the said Mortgage :

1880, January 1, Cash received \$100 00)

The amount still due for principal and interest on the said Mortgage is the sum of _____ dollars, computed as follows :
[*here give the computation.*]

C. D.

County of _____ } I, _____ of the
To wit : _____ } of _____ in the County
of _____ the mortgagee named in the Chattel Mortgage
mentioned in the foregoing (*or* annexed) statement (*or* assignee
of _____ the mortgagee named in the Chattel
Mortgage mentioned in the foregoing [*or* annexed] statement,) (*as the case may be*), make oath and say :

1. That the foregoing (*or* annexed) statement is true.
2. That the Chattel Mortgage mentioned in the said statement has not been kept on foot for any fraudulent purpose.

Sworn before me at the _____)
of _____ in the _____)
county of _____ this _____)
day of _____ 18____ .)

CHAPTER 16.

An Act to protect the goods of Lodgers and Boarders against distresses for rent due to the Superior Landlord.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS lodgers and boarders are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress on their furniture, goods and chattels for arrears of rent due to such superior landlord by his immediate lessee or tenant :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Declaration by boarder or lodger that immediate tenant has no property in goods distrained.

1. If any superior landlord shall levy or authorize to be levied a distress on any furniture, goods or chattels of any boarder or lodger for arrears of rent due to such superior landlord by his immediate tenant, such boarder or lodger may serve such superior landlord, or the bailiff or other person employed by him to levy such distress, with a declaration in writing, made by such boarder or lodger, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods or chattels so distrained or threatened to be distrained upon, and that such furniture, goods or chattels are the property or in the lawful possession of such boarder or lodger ; and also setting forth whether any and what amount by way of rent, board or otherwise is due from such boarder or lodger to the said immediate tenant ; and such boarder or lodger may pay to the superior landlord, or to the bailiff or other person employed by him as aforesaid, the amount, if any, so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord : and to such declaration shall be annexed a correct inventory, subscribed by the boarder or lodger, of the furniture, goods and chattels referred to in the declaration.

Penalty.

2. If any superior landlord, or any bailiff or other person employed by him, after being served with the before mentioned declaration and inventory, and after the boarder or lodger shall have paid or tendered to such superior landlord, bailiff or other person, the amount, if any, which, by the last preceding section, such boarder or lodger is authorized to pay, shall levy or proceed with a distress on the furniture, goods or chattels of the boarder or lodger, such superior landlord, bailiff or other person shall be deemed guilty of an illegal distress, and the boarder or lodger may replevy such furniture, goods or chattels in any court of competent jurisdiction and the superior landlord shall also be liable to an action at law at the suit of the boarder or lodger,

lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

3. Any payment made by a boarder or lodger pursuant to the first section of this Act shall be deemed a valid payment on account of any amount due from him to the said immediate tenant mentioned in section one of this Act. Payments by boarder or lodger to superior landlord.

4. The declaration hereinbefore referred to shall be made under and in accordance with the "Act for the suppression of voluntary and extrajudicial oaths." Declaration how made.

CHAPTER 17.

An Act to amend the Act respecting Land Surveyors and the Survey of Lands.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section three of the Revised Statute, chapter one hundred and forty-six, respecting land surveyors and the survey of lands, is hereby amended by striking out the words "the Director of the Geological Survey," and substituting therefor the words "the Professor of Mineralogy and Geology in University College, Toronto." R. S. O., c. 146, sec. 3, amended.

2. Section twelve of the said Act, and sub-section two of said section twelve are hereby repealed, and the following section and subsections are substituted therefor:— Sec. 12 repealed.

12. Any person who has followed a regular course of study in all the branches of education required by law for final admission as a land surveyor, through the regular sessions for at least two years in any university of the Province, or in McGill University, in the City of Montreal in the Province of Quebec, wherein there is organized a complete course of instruction, practical as well as theoretical, in civil engineering, natural philosophy, geology, and other branches of education required by law for such admission as a land surveyor, and who has thereupon received from such university, after due examination, a degree or diploma of qualification as a civil engineer and land surveyor, may, after having passed the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, be received as an apprentice by any land surveyor, and shall thereupon be only holden to serve as such apprentice during twelve successive months of actual service, or if he has passed The case of persons who have received university degrees or diplomas as engineers or and surveyors.

passed through such university course of study in less time than two full years, then for such time of actual service as, with the period spent by him in such university course of study, suffices to make up the full time of three years ;

Case of persons who have studied at School of Practical Science.

(1) Any person who has followed a regular course of study at the Ontario School of Practical Science in the subjects of drawing, surveying and levelling, and geodesy and practical astronomy, and who has thereupon received, after due examination, a certificate of having passed one session, two sessions, or three sessions, as the case may be, in the study of the aforesaid subjects, may, after having passed the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, be received as an apprentice by any practising land surveyor, and shall thereupon, if he has received a certificate of having passed three sessions in the study of the said subjects, be only holden to serve as such apprentice during twelve successive months of actual service ; or, in case he has only received a certificate of having passed only one or two sessions, as the case may be, in the study of the said subjects, then, for such time of actual service as, with the period spent by him at such session or sessions, suffices to make up the full time of three years ;

Apprenticeship.

Admission to practice.

(2) After such actual service such person shall, subject to the other provisions of this Act, have the same right to present himself for and to undergo the examination required by law, and, if found qualified, then to be admitted to practice as a land surveyor as if he had served the full three years' apprenticeship otherwise required by law.

Admission of Dominion land surveyors.

3. In case a Dominion land surveyor under the Dominion Lands Act, applies for a commission as a land surveyor of this Province, if the Board of Examiners for the time being are of opinion that the qualifications required of a surveyor of Dominion lands, at the time of the commission having been granted to such surveyor under the Dominion Lands Act, were sufficiently similar to those set forth in the said Revised Statute, such surveyor shall be entitled to a certificate of admission as a land surveyor of this Province, without being subjected to any examination except as regards the system of survey of lands in Ontario.

CHAPTER 18.

An Act to extend the powers of Joint Stock Companies for the erection of Exhibition Buildings.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever the directors of any company incorporated under the Revised Statute respecting Joint Stock Companies for the erection of Exhibition Buildings, are of opinion that the capital of the company is insufficient for the purposes of the company, they may from time to time pass a resolution authorizing the increase of the capital, and such resolution shall declare the additional number of twenty dollar shares that shall be issued. Resolution for increase of capital.

2. A copy of the said resolution certified under the hand of the president, and sealed with the seal of the company, shall be delivered to the registrar having the custody of the original instrument of incorporation, or his deputy, who shall attach the same to such original instrument and note thereon the time of the day, and the day of the month, and year of the receipt of the same, and thereupon the authorized capital of the company shall be increased as mentioned in such resolution. Resolution to be delivered registrar.

3. The directors may also direct how the said shares shall be allotted, sold or subscribed for, and at what rate of discount or premium the same shall be allotted, sold, or subscribed for. Allotment of shares.

4. Such additional shares may be called in, demanded, and recovered in the same manner and under the same penalties as provided or authorized as to the original stock. Calls.

5. Every company incorporated as aforesaid may from time to time borrow such moneys as the directors may find requisite for the purposes of the company, from such person or bodies corporate as may be willing to lend the same, and at such lawful rate of interest as may be agreed upon, and may by instrument under the seal of the company secure payment thereof; and the directors may under the authority of a resolution passed by a majority of two-thirds in value of the shareholders present in person or by proxy at a general meeting hypothecate, mortgage, or pledge the real or personal property of the company to secure any sum or sums so borrowed; and the recital of such resolution, passed as aforesaid, in the said instrument shall be *prima facie* evidence of the facts so recited. Power to borrow.

CHAPTER 19.

An Act respecting Companies incorporated under Imperial Statutes.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain powers, &c., may be granted by Letters Patent to Companies incorporated under Imperial Statutes.

1. In case a corporation, now or hereafter incorporated under the laws of the Imperial Parliament of Great Britain and Ireland, desires to carry on any of its business within the Province of Ontario, the Lieutenant-Governor in Council may, by Letters Patent under the Great Seal of the Province, grant to such company, and such company may thenceforth use, exercise, and enjoy within the Province, any powers, privileges and rights set forth in the Letters Patent, as desired in or for carrying on the business of the company, and which it is within the authority of the Lieutenant-Governor in Council to grant to a company under the Ontario Joint Stock Companies' Letters Patent Act.

Copy of Act or other instrument of incorporation to be deposited with Provincial Secretary.

2. No such Letters Patent shall be issued until such corporation has deposited in the Office of the Provincial Secretary a true copy of the Act of Parliament, charter or other instrument incorporating the said company, verified in the manner which may be satisfactory to the Lieutenant-Governor in Council.

Evidence of incorporation.

3. The Letters Patent referring to such Act, charter or other instrument as aforesaid, or a copy of such Act, charter or other instrument aforesaid certified under the hand of the Provincial Secretary, shall be sufficient evidence, in any proceeding in any court in this Province, of the incorporation of the company.

Matters provided for by R.S.O., c. 163 excepted

4. This Act shall not apply to matters provided for by the Revised Statute, chapter one hundred and sixty-three.

CHAPTER 20.

An Act respecting the Expenses of Inspecting Insurance Companies.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The amount to be annually contributed by the Insurance Companies within the operation of the Act passed in the forty-second year of Her Majesty's reign, chapter twenty-five, and intituled "An Act to provide for the inspection of Insurance Companies," shall be assessed *pro rata* upon the amounts of risks taken by each company during the preceding year, and such sum shall be paid to the provincial treasurer upon the issue of any annual license, or such other time as he may require, and his certificate as to the amount so payable by each or any company shall be conclusive; and this section shall be construed to apply as well to the year now last past for settling the contributions for that year by the said respective companies.

Mode of determining the amount of contribution to expenses.

CHAPTER 21.

An Act for the relief of Building, Loan and Savings Societies and Companies.

[Assented to 5th March, 1880.]

WHEREAS, acting under the authority of the Act passed in the thirty-ninth year of Her Majesty's reign, intituled "An Act to make further provisions respecting Permanent Building Societies," and of the Act, chapter one hundred and sixty-four of the Revised Statutes of Ontario, intituled "An Act respecting Building Societies," as amended by the Act passed in the forty-second year of Her Majesty's reign, intituled "An Act to amend the Building Societies' Act," the Treasurer of Ontario has from time to time furnished to building, loan or savings societies or companies in Ontario, on their application, printed forms purporting to be forms of statement in accordance with the provisions of the said Acts in that behalf, and having printed thereon a form of affidavit of attestation to be made by the officers of the societies attesting such statement; and whereas, on account of some difference in the language used in the said forms as compared with the language of the said Statutes, doubts have

Preamble.

have arisen as to whether returns and affidavits made upon the said forms are a compliance with the said Acts, and it is desirable to remove such doubts and to relieve societies whose officers have made their returns upon the said forms from being harassed by suits for penalties under the said Acts, and also to further amend the said Revised Statute of Ontario:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain statements confirmed.

1. Every statement transmitted to the Treasurer of Ontario, at any time previous to the passing of this Act, by any Building, Loan or Savings Society or Company incorporated under chapter one hundred and sixty-four of the Revised Statutes of Ontario, or under chapter fifty-three of the Consolidated Statutes of Upper Canada, or under "The Ontario Joint Stock Companies' Letters Patent Act, 1874," or under chapter one hundred and fifty of the Revised Statutes, or otherwise incorporated, which statement purports to have been filled up and attested according to the said printed forms, or otherwise in substantial compliance with the provisions hereinafter mentioned, shall be deemed and taken to be, and to have been, a sufficient statement, and in compliance in all respects with the provisions of the eighteenth and nineteenth sections of the said Act, intituled "An Act to make further provision respecting Permanent Building Societies," and with the sixty-seventh and sixty-eighth sections of the said Revised Statute respecting Building Societies, and to have been properly made, filled up and attested according to the provisions of the said Acts, and of the said Act amending the same, whether such attestation was sworn before a justice of the peace, or before a commissioner authorized to take affidavits in the superior courts, or whether or not the said statement was transmitted in due time to the said Treasurer; and every society, or company incorporated as aforesaid, the officers of which shall have transmitted such statement, shall be and is hereby indemnified, exonerated, freed and discharged of and from all pecuniary penalties and forfeitures whatsoever (if any) which may have been incurred by such company or society by reason of its having neglected to transmit any other, or further, or differently attested statement, or to perform the obligations imposed on it by the said Acts, or either of them, in that behalf;

Pleading and evidence.

(2) In case any action, suit, or proceedings shall, after the passing of this Act, be brought, carried on, or prosecuted against any society or company for or on account of any pecuniary penalty or forfeiture whatever incurred or to be incurred by any such neglect, as is intended to be relieved against by this Act, such society or company may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon; and in any action or suit commenced before the passing of this Act or now pending, against any society or company for or on account

Staying proceedings.

account of any such neglect, the court or judge thereof shall order all proceedings in such action or suit to be stayed on payment of the costs thereof to the plaintiff therein.

2. No action brought against any society or company, incorporated, as aforesaid, for any past or future failure to comply with the provisions of the said Acts, or either of them, shall be maintained if such action was or is commenced at any time subsequent to the receipt by the Treasurer of Ontario of the statement and attestation required by the said Acts, or of the statement and attestation declared valid by this Act, unless such action is brought by the Crown, or by the Attorney-General of Ontario suing on behalf of the Crown.

Actions brought subsequent to receipt of statement by Treasurer not to be maintained.

Proviso.

3. Neither the provisions of the said eighteenth and nineteenth sections of the said Act intituled "An Act to make further provision respecting Building Societies," nor the provisions of the sixty-seventh and sixty-eighth sections of the said Revised Statute, either as originally passed or as heretofore amended, or as amended by this Act, shall be held to apply, or to have applied, to any society or company which has ceased, or shall have ceased, to carry on business prior to the year for which the return is or was required, nor to any society or company which, though incorporated, never carried on business; and upon its being proved that any society or company incorporated as aforesaid did not loan any money, or receive any deposit, or issue any debenture, during the year for which it is alleged a return in accordance with such sections has not been made, such society or company shall be deemed to have ceased to carry on business within the meaning of this section.

Statement not required in case society has ceased to do business.

4. The sixty-seventh section of the said Revised Statute, as amended by the Act passed in the forty-first year of Her Majesty's reign, chaptered seven, and the sixty-eighth and sixty-ninth sections of the said Revised Statute are hereby repealed and the following substituted therefor:—

R.S.O., c. 164, ss. 67-69 repealed.

67. Such society shall, on or before the first day of March in each year, transmit to the Provincial Treasurer a full and clear statement of the society's assets and liabilities on some day to be stated therein, and such day shall not be more than twelve months prior to the said first day of March, or earlier than the end of the last preceding financial year, and such statement shall contain, in addition to such other particulars as the Provincial Treasurer may require, the following:

Annual statement of assets and liabilities.

- (a) The amount of stock subscribed;
- (b) The amount paid in upon such stock;
- (c) The amount borrowed for the purposes of investment and the securities given therefor;
- (d) The amount invested and secured by mortgage deeds;
- (e) Amount of mortgages payable by instalments;
- (f) The number and aggregate amount of mortgages upon which

which compulsory proceedings have been taken during the past year;

(g) The present cash value of the society's investments on mortgages and other securities, and the rate or rates per cent. at which the future repayments are discounted in ascertaining such present cash value; which rate or rates shall be at least equal to the rate or rates which such mortgages or other securities respectively bear, or were originally calculated to yield.

Statement to be attested by oath, and to be published.

68. Such statement shall be attested by the oath (taken before some justice of the peace, or commissioner for taking affidavits in the superior courts) of two persons, one being the president, vice-president, manager or secretary, and the other the manager, secretary or auditor of such society, each of whom shall swear distinctly that he holds such office as aforesaid, that the statement has been prepared by the proper officers of the company, that the deponent believes that it has been prepared with due care, and that he believes it to be true in every particular; and such statement shall be published by the Provincial Treasurer in such manner as he thinks most conducive to the public good; and for any neglect to transmit such statement in due course of post, within five days after the day upon which the same should be transmitted, such society shall incur a penalty of fifty dollars per diem, but not exceeding in the whole one thousand dollars.

If statement not transmitted, or if it shews that the society is not in a proper condition, power may be stayed.

69. If such statement is not transmitted within one month after the said first day of March, or if it appears by the statement that such society is not in a condition to justify its continuance in business with the powers theretofore possessed by such society, the Provincial Treasurer may, under the authority of, or by order of the Lieutenant-Governor in Council, by a notice in the *Ontario Gazette*, declare the business of such society to have ceased, so far as regards borrowing money and any other matters mentioned in the order in Council and notice aforesaid.

Certain returns may be made under this Act, or under repealed provisions.

5. Any statement heretofore made, or which may be hereafter made, by any society or company with reference to a financial year of such society or company ending prior to the passing of this Act, shall be deemed sufficient if such return is made either in accordance with the provisions of this Act or with the provisions of the said sections hereinbefore repealed.

Extension of time for making return.

6. If any officer of a society or company shall, when called upon to attest the statement required under this Act, find himself unable to make the required affidavit of attestation on account of his having doubts as to the correctness of the statement presented to him for attestation, and further time is needed in order to permit of an examination of the items making up such statement, then, upon application of such officer, or of any one on his behalf, or on behalf of the society or company, made at any time before the sixth day of March of the proper year, the

the Treasurer of Ontario may enlarge the time for transmitting such statement to a day not later than the first day of May of such year, and the day so fixed by the said Treasurer shall thereupon become the day within five days of which the said statement, attested as required by this Act, shall be transmitted by such society or company to the Treasurer of Ontario, under the like penalties, in case of omission to make the same within such time, as if such day had been inserted in the sixty-seventh and sixty-eighth sections of the said Revised Statute as amended by this Act, in lieu of the first day of March; Provided ^{Proviso.} that the said enlargement of time shall not prevent proceedings being taken under the sixty-ninth section of the said Revised Statute, if the Lieutenant-Governor in Council shall so order;

(2.) It shall be sufficient if the statement required to be furnished on or before the first day of March, one thousand eight hundred and eighty, is transmitted to the treasurer of Ontario, on or before the first day of April next following, with power to the said treasurer under the like circumstances to enlarge such time to a day not later than the first day of May of such year.

CHAPTER 22.

An Act for the relief of Co-operative Associations.

[Assented to 5th March, 1880.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the Revised Statute respecting Co-operative Associations, a member of any association incorporated under the said Act may have shares therein to an amount mentioned in any by-law of the Association, provided the same does not exceed one thousand dollars. ^{Limit of each members shares.}

2. Notwithstanding as aforesaid, a co-operative association may purchase on credit real estate for the purpose of occupation by the association in carrying on the business thereof, and may give a valid mortgage on any estate so purchased for an unpaid balance of the purchase money, subject to any by-law in that behalf. ^{Power to purchase and mortgage land.}

CHAPTER 23,

An Act respecting the incorporation of Cemetery Companies by Letters Patent.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
by letters
patent.

1. The Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons not less than ten, who shall petition therefor, constituting such persons, and others who may become shareholders in the company thereby created, a body corporate and politic, for the purpose of establishing a public cemetery near to, but without the limits of, any incorporated village, town or city.

Certain sec-
tions of R. S.
O., c. 150, in-
corporated.

2. Sections four, five, six, seven, eight, ten, eleven, twelve, thirteen, fifty-three, fifty-four, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of the Revised Statute respecting the incorporation of Joint Stock Companies by Letters Patent shall be deemed to be embodied in this Act and shall apply to all companies incorporated thereunder.

Preliminary
conditions.

3. Before the letters patent are issued the applicants must establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council to report thereon, that they have purchased the fee in a lot of land containing not less than twenty-five acres, received a deed therefor, and registered the same in the registry office for the county in which the said land is situate.

Owner of land
may be a mem-
ber of company
and take stock
in payment.

4. The owner of the said land may be a member of the company, and may subscribe for stock in the company to an amount equal to the purchase money of said land or for a portion thereof, and may take and hold said stock in payment for said lot or part payment therefor; and said stock so given for or on account of the purchase of said land, shall for all purposes of this Act be deemed and treated as paid up stock in the company.

Recital in
letters patent.

5. The letters patent shall recite such of the material averments of the notice and petition, as the Lieutenant-Governor may deem convenient to insert therein, and shall contain a description of the land acquired by the company, and the Lieutenant-Governor may, if he thinks fit, give to the company a corporate name different from the name proposed by the applicants in the published notice.

6. From the date of the said letters patent the company shall without any deed, conveyance or assurance become and be invested with all the estate and interest held by or for the applicants or the company in the said land, and the applicants or the company shall forthwith register the letters patent at full length with the registrar of the registration division in which the land is situate.

Land held for applicants or company to vest in company.

7. The company may borrow money for the purpose of making roads over said land, and for improving and laying out the same, and may repay the amount so borrowed with interest thereon, at any lawful rate not to exceed eight per centum per annum, out of the first proceeds of the sale of lots in the said cemetery as hereinafter mentioned, and, as security for such loan the company may mortgage all its estate, right, and interest in the premises, and in such mortgage may insert all necessary and usual powers of sale, covenants and conditions, but nothing herein contained shall authorize such mortgagee, or any one claiming under him, to use or deal with the premises so mortgaged in a manner inconsistent with the continued use of said premises as a cemetery, or inconsistent with any provision in this Act for the preservation and protection of the same for cemetery purposes.

Power to borrow.

Proviso.

8. The capital stock of the company shall be an amount adequate or equal at least to the purchase money of the land required for the said cemetery, divided into shares of one hundred dollars each.

Capital.

9. The provisions contained in the Revised Statute respecting Cemetery Companies shall apply to any company incorporated under this Act and to the shareholders and directors of any such company except as herein otherwise provided.

R. S. O., c. 170, to apply.

10. Nothing herein contained shall prevent any company from obtaining incorporation under the said Act respecting Cemetery Companies, instead of obtaining incorporation under this Act, if such company sees fit.

Incorporation under R. S. O., c. 170.

CHAPTER 24.

An Act to amend the Municipal Act.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mode of citation.

1. This Act may be cited as “The Municipal Amendment Act 1880.”

R. S. O., c. 174, s. 66, amended.

2. Section “sixty-six” of the Municipal Act is amended by adding thereto the following words:—

Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than one hundred municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in the two hundred and eighty-sixth and following sections of this Act.

Reduction of number of councillors.

(a). Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than one hundred resident municipal electors, asking the council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section two hundred and eighty-six of the Municipal Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings, in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in the Municipal Act in regard to by-laws requiring the assent of the electors.

Sec. 70 amended.

3. Section seventy of the Municipal Act is amended by adding after the words “to at least the value following” in the twelfth line thereof, the words, “over and above all charges, liens and encumbrances affecting the same.”

Sec. 141 amended.

4. A voter may mark his ballot paper by placing a cross either (as heretofore) on the right hand side opposite the name of the candidate for whom he desires to vote, or at any other place within the division which contains the name of the candidate; and section one hundred and forty-one of the Municipal Act is hereby amended in accordance with this section.

Sec. 214 amended.

5. Section two hundred and fourteen of the Municipal Act is amended by striking out all the words after the word “inclusive”

"inclusive" in the fifth line, and adding the following: "And it shall be the duty of the deputy returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy returning officer."

6. The clerk of every county, city, town, incorporated village and township shall, on or before the first day of June in each year, under a penalty of twenty dollars in case of default, transmit to the Provincial Secretary a certified copy of the auditors' abstract statement of the receipts and expenditures of the preceding year, and also a certified copy of the assets and liabilities of his municipality as prepared by the said auditors.

Auditors' abstract statement to be sent yearly to Provincial Secretary from every municipality.

7. Section two hundred and seventy-two of the Municipal Act is amended by adding after the word "qualification" in the sixth line thereof, the words, "where a property qualification is required."

Sec. 272 amended.

8. Sub-section two of section two hundred and eighty-six of the Municipal Act is hereby repealed, and the following substituted therefor:

Sec. 286, sub-s. 2, repealed.

(2) The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may by resolution designate, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and the Council shall put up a copy of the by-law at four or more of the most public places in the municipality.

Publication of by-laws.

9. The following shall be added to section four hundred and eleven of the Municipal Act as sub-sections three, four and five:

Sec. 411 amended.

(3) Every police magistrate shall be entitled to receive the same fees and emoluments as are paid to justices of the peace, and in case a police magistrate is paid by a fixed salary, the said fees and emoluments, whether received by him as police magistrate or as a justice of the peace, shall be paid to the municipality and form part of its funds. But this section shall not authorize the imposition of such fees by a police magistrate who is paid by fixed salary upon any inspector of licenses or upon any Provincial officer appointed under the Liquor License Act in or in respect of any case or complaint prosecuted by him or them under the said License Act or under the Canada Temperance Act of 1878, or upon any person or persons who, by the written authority of the Attorney-General of this Province, prosecutes any complaint under either of the said Acts;

Fees of police magistrate.

(4) No municipal council shall have power to reduce the salary of any police magistrate without the sanction of the Lieutenant-Governor in Council;

Reduction of salary of police magistrate.

When police
magistrate
need not act.

(5) No police magistrate need act in any case arising outside of the limits of the city, town, or place for which he is police magistrate, unless he sees fit so to do.

Sec. 445
amended.

10. Section four hundred and forty-five of the Municipal Act is hereby amended by striking out the words, "and for all officers connected with such courts" in the ninth and tenth lines, and substituting therefor the words, "and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such courts other than official assignees."

42 V., c. 31,
s. 17, sub-s. 2
amended.

11. Sub-section two of section seventeen of the Act passed in the forty-second year of the reign of Her Majesty, chaptered thirty-one, is hereby amended by striking out the words, "for all officers connected with such courts" in the tenth and eleventh lines of the said sub-section, and substituting therefor the words, "and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such courts other than official assignees."

Furniture for
use of county
officials.

12. The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections four hundred and forty-two and four hundred and forty-five of the Municipal Act, unless the same has been ordered by the council or by some person duly authorized by them so to do.

R. S. O., c.
174, s. 465,
sub-s. 3,
repealed.

Hawkers,
petty chap-
men, &c.

13. Sub-section three of section four hundred and sixty-five of the Municipal Act is repealed, and the following substituted in lieu thereof:

(3) For licensing, regulating, and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force: and in case of counties for providing the clerk of each municipality within the county with licenses, in this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws: Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and any such

Proviso.

such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer; and provided also that nothing herein contained shall affect the powers of any council to pass by-laws under the provisions of section four hundred and sixty-six of this Act or amendments thereto hereafter made. Proviso.

14. Notwithstanding any provision to the contrary contained in any special Act, the nomination of water commissioners in cities where the commissioners are not elected for wards or divisions of the city, shall take place at the same time as the nomination of mayor, and all the provisions of the Municipal Act relating to the nomination of mayor shall extend and apply to such nomination. Nomination of water commissioners.

15. Section four hundred and sixty-six of the Municipal Act is hereby amended by adding thereto the following as sub-section fifty-five: Sec. 466 amended.

(55) For authorizing and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth. Cab stands. Proviso.

16. Section four hundred and seventy-five of the Municipal Act is hereby repealed, and the following substituted therefor: Sec. 475 repealed.

475. The council may pay the members of the said board of audit any sum not exceeding four dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. Remuneration to members of board of audit.

17. Section four hundred and seventy-seven of the Municipal Act is hereby amended by inserting after the word "county," wherever the same occurs in the said section, the words, "or city." Sec. 477 amended.

18. The approaches for one hundred feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities. The remaining portion or portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate. Approaches to bridges.

19. In all cases in which any city is required to contribute to the cost of erecting or building the court house or gaol, not commenced before the passing of this Act, such council of such city shall not be bound to pay for any part of the expenditure hereafter incurred in respect thereof, unless the same has been concurred Erection of court houses and gaols.

concurrent in by the council of such city or town, or in case of dispute has been determined on by arbitration, according to the provisions of the Municipal Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of the said Act.

Eminent domain.

20. The council of any county may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using and acquiring the ownership of such land as may be necessary or convenient for the purposes of such court house.

Acquiring land by municipalities for drainage.

21. The corporation of every city, town and incorporated village may pass by-laws for accepting or purchasing any land in any other municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other municipality into such city, town or incorporated village, and for providing an outlet for such waters through any other municipality, and for opening, making, preserving and improving drains, sewers and water-courses in the lands so acquired; Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this section shall be exercised.

Proviso.

Sec. 261 amended.

22. Section two hundred and sixty-one of the Municipal Act is hereby amended by adding the following sub-sections to the same :

(1) The said council in the event of a vacancy happening by death, resignation or otherwise may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made ;

(2) The said council may also, by by-law, provide that the said auditors shall audit all accounts before payment.

Publication of drainage by-laws.

23. Where any by-law which has been heretofore passed, or which may be hereafter passed, under the provisions of the second sub-section of section five hundred and thirty-two of the Municipal Act, has been or shall hereafter be published in the manner required by the five hundred and thirty-first section of the said Act, or in the case of a city, town or incorporated village, has been or shall be notified in the manner required by the twenty-first section of the Municipal Amendment Act of 1879, sub-section one of said section five hundred and thirty-two shall apply to such by-law, and any by-law, passed under the said second sub-section need not be published unless the council sees fit so to do ; and the provisions of the Ontario Municipal Drainage Aid Act shall apply to any debentures issued

issued under the authority of the said sub-section which have heretofore been, or shall hereafter be, purchased by direction of the Lieutenant-Governor in Council.

24. The power to license, regulate and govern transient traders and others, as mentioned in the Municipal Act, section four hundred and sixty-six, sub-section fifty-three, and in the Municipal Amendment Act, 1879, section twenty-two, shall be construed to apply, whether the goods and merchandise are offered by auction or otherwise. Licensing transient traders.

25. The council of every county shall have power to pass by-laws for guaranteeing the debentures of any municipality within the county as the council may deem expedient. Guaranteeing debentures.

26. Every person who is required by the Registry Act to lodge with the registrar a plan or map of any survey or sub-division of land made by him, or of any alteration of such survey or sub-division, shall also, within three months from the date of such survey, lodge with the treasurer of the municipality in which such land is situate a duplicate or copy of such plan or map and in case of neglect or refusal so to do, within two months after notice in writing given by such treasurer requiring him to lodge such plan as provided by this section, every such person shall incur a penalty of twenty dollars for each and every calendar month during which such default shall continue. Plans of surveys to be deposited with treasurer of municipality. Penalty.

27. Every appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor. Appointment and dismissal of gaolers.

CHAPTER 25.

An Act to make valid certain Municipal By-laws.

[Assented to 5th March, 1880.]

WHEREAS by-laws have been passed in various municipalities in accordance with the provisions of chapter one hundred and seventy-four of the Revised Statutes, in ignorance of the amendments made thereto by the Act passed in the forty-second year of Her Majesty's reign, chaptered thirty-one, and it is expedient to make such by-laws valid: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** Any by-law heretofore duly passed in accordance with the By-laws made valid.

the provisions of sections three hundred and thirty, three hundred and thirty-one and three hundred and thirty-two of chapter one hundred and seventy-four of the Revised Statutes, and any debentures issued thereunder, shall be as valid and effectual as if the by-law had been passed in accordance with the provisions contained in the "Act to amend the Municipal Law" passed in the forty-second year of the reign of Her Majesty, and chaptered thirty-one.

Where new by-laws in place of invalid by-laws have been submitted to electors, original by-laws not to be revived hereby.

2. In any case where a by-law has been discovered to be invalid in consequence of following the provisions of the said sections three hundred and thirty, three hundred and thirty-one and three hundred and thirty-two of the Municipal Act instead of the amendments made thereto by the Act passed in the forty-second year of the reign of Her Majesty and chaptered thirty-one, and a new by-law for the same purpose or purposes has by the same municipality been submitted in lieu thereof to a vote of the electors, nothing in this Act shall have the effect of reviving or making valid the original by-law whether the same has been legally repealed or not.

Act not to apply to repealed by-laws or to pending proceedings.

3. This Act shall not apply to any by-law which has been repealed or to any by-law in respect to which any proceeding is now pending or has been commenced prior to the twentieth day of February, one thousand eight hundred and eighty, in any court questioning the validity of such by-law.

CHAPTER 26.

An Act respecting the support of Destitute Insane Persons.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

County council to make provision for insane destitute.

1. The county council of each county shall, from time to time, make provision for the whole or partial support of such insane destitute persons as cannot properly be admitted to the provincial asylums, either in the county gaol or some other place within the county, and shall determine the sum to be paid for such support, and also the party or parties to whom such sums shall be paid by the county treasurer.

R. S. O., c. 179 repealed.

2. Chapter one hundred and seventy-nine of the Revised Statutes, intituled "An Act respecting the Support of Destitute Insane Persons," is hereby repealed.

CHAPTER

CHAPTER 27.

An Act respecting Municipal Assessments and Exemptions.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The personal property of an incorporated company, other than the companies mentioned in the second sub-section of this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership ;

Assessment of personal property of companies.

(2) The personal property of a bank or of a company which invests the whole or the principal part of its means in gas works, plank or gravel roads, railway and tram-roads, harbours or other works requiring the investment of the whole or principal part of its means in real estate, shall, as hitherto, be exempt from assessment, but the shareholders shall be assessed on the income derived from such companies ;

(3) The twenty-ninth section of the Assessment Act is hereby repealed.

R.S.O. c. 180, s. 29 repealed.

2. The beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name.

Beneficial owner of shares may be assessed.

3. All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof ;

Personal property in Province of non-residents assessable like property of residents.

(2) The property shall be assessable in the municipality in which it may happen to be ;

(3) This section does not apply to dividends which are payable to, or other choses in action which are owned by and stand in the name of a person who does not reside in the Province.

4. The deduction of four hundred dollars from the income of a person having an income exceeding that amount shall not be made in case such income exceeds one thousand dollars.

No deduction from incomes over \$1,000.

5. The exemption to which certain officers connected with the Superior Courts were at the time of their appointment and

Exemption of certain officers of Superior

Courts
abolished as to
future appoint-
ments.

are now entitled by Statute, in respect of their salaries, is hereby abolished as respects all persons who may hereafter be appointed by the Lieutenant-Governor to such offices.

Lawns, &c.,
may be assess-
ed by by-law.

6. Ground used as a paddock, park, lawn or pleasure ground shall, in the discretion of the council of the municipality, by by-law, be assessed like other ground.

R.S.O., c. 180,
s. 24 amended.

7. The twenty-fourth section of the said Act with respect to vacant ground, or ground used as a farm, garden or nursery, in cities, towns or villages, is amended by inserting, after the word "assessors," the following words: "(in case the council so directs)". This amendment is not to apply to such ground in towns and incorporated villages, except in cases where the extent of such grounds exceeds ten acres.

Meaning of
"land," &c.

8. The terms Land, Real Property and Real Estate in the Assessment Act, shall be construed to include land covered with water;

Sec. 2, sub-s.
8, amended.

(2) The definition of personal estate and personal property in section two, sub-section eight, of the Assessment Act, is hereby amended by striking out the words "shares in incorporated companies," and inserting after the word "stock" in the third line, the words "dividends on shares or stocks of other incorporated companies."

Hearing
appeals in cer-
tain cases.

9. Where a city, town or village lies in the county which forms part of a county court district, and there is an appeal against an assessment to the extent of fifty thousand dollars against one person, or corporation, or against a partnership, or joint owners, the appeal from the Court of Revision shall be to a board consisting of the judges of the counties which constitute the county court district instead of being to the judge alone of the county in which the city, town or village lies; and in such case the clerk of the council shall forthwith notify each of the judges by post (prepaid) of all notices of appeal to the said board which are from time to time served upon him. The judges of the county in which the city, town or village lies, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify by post (prepaid) the other judges. The sections of the Assessment Act numbered from fifty-nine to sixty-seven inclusive, shall apply to such appeals, and the said board shall have the powers and duties which, by the said section, are assigned to the county judge therein referred to.

Meaning of
"local im-
provements."

10. The local improvements in respect of which provision is made by the sections of the Municipal Act numbered from five hundred and fifty-one to five hundred and fifty-four inclusive, shall be construed to include (amongst other things) the deepening of any stream, creek or water course, and the draining of any locality, and reconstructing, as well as constructing, any work, the construction of which is provided for in and by the

the said sections or by this Act; and the curbing, sodding or planting of any street, lane, alley, square or other public place;

(2) If, in any case, the first assessment for any local improvement proves insufficient, the council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

Provision in case of defective or excessive assessment.

11. Where owners of real property petition to be specially assessed for a local improvement or service, under the five hundred and fifty-second or five hundred and fifty-fifth section of the Municipal Act, the petition may pray exemption for any period therein named from any general rate or assessment for the like purpose (except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment);

Real property specially assessed under ss. 552 or 555 exempt from general rate.

(2) Or the petition, either without specifying any period for such exemption in case such exemption is not acceded to by the council, may pray that the propriety of such exemption and the time the same should continue be determined by arbitration;

(3) The council may, by the by-law to be passed in that behalf, under the said Act, accede to the exemption (if any) mentioned in the petition, or in case the petition requests an arbitration, the council may accede to the proposal for an arbitration;

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the county court judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council;

(5) Wherever, by reason of a special assessment, the owners are exempted from a general rate for the like purpose, as aforesaid, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section;

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed, shall be applied to any work or service of the same character in any part of the municipality.

12. The municipal council of any city, town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of the Revised Municipal Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are

By-laws directing improvements to be made by local assessment.

are made in the sections of the said Revised Municipal Act numbered from five hundred and fifty-one to five hundred and fifty-five, as explained or extended by this Act, be by special assessment on the property benefited, and not exempt by law from assessment; and in such cases a petition from the owners of the property benefited shall not be necessary;

Repeal of
by-laws.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time the exemption is to cease is to be determined in each or any case by arbitration, and the arbitrator is to be appointed by the county judge, on the application of the council.

Assessment on
places of wor-
ship for local
improve-
ments.

13. In case of such by-law being passed as mentioned in the twelfth section, or if where no such by-law has been passed, the corporation, trustees, or other persons in whom is vested any land on which a place of worship is erected or land used in connection therewith, do not join in a petition for a local improvement under the five hundred and fifty-second section of the Municipal Act, but two-thirds of the other owners of the real property to be benefited by the proposed improvement, representing at least one-half in value of the remaining property, petition as in the said five hundred and fifty-second section mentioned, the municipal council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons aforesaid, and the said place of worship and land connected therewith, to be assessed for the improvement, in the same manner and to the same extent as the other owners and land benefited by the improvement;

(2) In case of no such by-law being passed as mentioned in the twelfth section, if the corporation, trustees, or other persons in whom is vested any place of worship or land used in connection therewith, join in such petition, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the corporation, trustees, or other persons aforesaid), representing at least one-half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition as in the said five hundred and fifty-second section mentioned, such corporation, trustees and other persons, and the property aforesaid shall be assessable as in the case of other owners and other property benefited by the improvement.

Certain part
of improve-
ments may be
charged on
general rates.

14. In case of a special assessment on property benefited by local improvement, whether under a general authority for the purpose as provided for in the twelfth section or upon petition of the owners under the five hundred and fifty-second section of the Municipal Act, the council of the municipality (if they think fit)

fit) may by by-law provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other said street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment; and the Council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

15. Every corporation whose dividends are liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is or are any person or persons liable to be assessed for income derived from stock in such corporation, (such written request to be communicated by delivering the same to the principal officer of the corporation in this Province, or by leaving the same at the principal office in the Province, or to be made by registered letter, prepaid, addressed to the corporation at the place of such principal office) and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting forth the names of the shareholders who are resident in such municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the corporation in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the corporation or so far as is known otherwise by such officer. The thirty-ninth section of the Assessment Act shall be read as applying to this section. The fine for default shall be one hundred dollars.

Statement to be furnished to assessor.

R.S.O., c. 180, s. 39 to apply.

16. To render valid a by-law of any municipality for granting a bonus in aid of a railway or for promoting any manufacture, the assent shall be necessary of the majority of all ratepayers who were entitled to vote on the by-law; such assent to be ascertained as hitherto; and, in addition to the certificate required by the three hundred and tenth section of the Municipal Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, so far as shewn by the voters' list and assessment roll, such majority appears to be a majority of all the voters who were entitled

Provisions as to bonus by-laws.

entitled to vote on the by-law; and, in case of dispute as to the result of the vote, the judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes;

(2) The petition to the judge may be by any elector, or by the council; and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny;

(3) This section shall go into force on the thirty-first day of December next, and shall apply to all Acts passed during the present session of the Legislature, and to by-laws thereby authorized, for any of the said purposes, as well as to other Acts and any by-laws which may be hereafter passed thereunder.

Grouping
clauses in
railway Acts
repealed.

17. So much of any enactment in private and other Acts heretofore passed, or passed at the present session of the Legislature, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities, for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared to be inoperative. This section shall go into effect forthwith.

Appeal as to
equalization of
assessments.

18. If any municipality is dissatisfied with the action of any county council in increasing or decreasing or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows:

(1) The municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the county judge;

(2) Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment, in case of appeal, made by the county judge;

(3) Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting;

(4) The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a judge of another county, who together with the county judge shall form a court, in place of the court, and shall have all the powers and duties heretofore belonging to the court, constituted for

for the same purpose by the thirty-third section of the Municipal Amendment Act of 1879, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the matter of appeal, or may adjourn from time to time, and the judgment of the said court shall not be deferred beyond the first day of August next, after the notice of the appeal;

(5) The judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed ten dollars a day, besides his travelling and other expenses, and to be paid by the county;

(6) Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing, the county judge, and the county judge shall appoint a day for hearing the appeal, as heretofore, and may on such day proceed to hear and determine the matter of appeal, as heretofore, and may adjourn the hearing from time to time, but the judgment shall not be deferred beyond the first day of August next after such appeal.

19. The thirty-third section of the Assessment Act is amended by striking out the words "an annual," and substituting therefor the word "any." R.S.O., c. 180,
s. 33 amended.

20. The forty-fifth section of the Assessment Act is hereby repealed, and the following substituted therefor: Section 45
amended.

45. In cities, towns or incorporated villages the council may, by by-law, require the payment of taxes to be made into the office of the treasurer or collector by a day or days to be named therein, in bulk or by instalments, and may by such by-law allow a discount for the prompt payment of such taxes, or any instalment thereof, on or before the day or days on which the same shall be made payable, and may by such by-law impose an additional percentage-charge on every unpaid tax or assessment or instalment thereof, which shall be added to such unpaid tax or assessment or instalment thereof, and be collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment or instalment thereof.

Payment of
taxes by in-
stalments.

*Amended by 44
vid c 25 sec
2-*

21. The council of every township shall have the power to pass by-laws to reduce the amount of statute labour to be performed by the ratepayers or others within said township, or to entirely abolish such statute labour and the performance thereof by all persons within said township.

Power to re-
duce or abolish
statute
labour.

22. Save where otherwise hereinbefore declared, the provisions of this Act shall come into force and take effect on the first day of January next, except as to cities and towns separate from the county, and as to these this Act shall come into operation

Time Act to
take effect.

operation and be in force on, from and after the first day of July next.

Inconsistent
enactments
repealed.

23. All enactments inconsistent with this Act, though not herein expressly mentioned in that behalf, are hereby repealed so far as as they are inconsistent with this Act.

CHAPTER 28.

An Act respecting the Collection of Taxes in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O., c.
175, s. 30,
repealed.

1. The following section is hereby substituted for section thirty of the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay, and is to be read in the Revised Statutes in lieu of said section thirty :—

Collection of
arrears of
taxes and sales
of land for
taxes in cer-
tain districts,
etc., provided
for.

30. Arrears of taxes due to any municipality formed under the provisions of the Statutes of Ontario following, namely—chapter twenty-five, passed in the thirty-third year of Her Majesty's reign, intituled, "An Act to Establish Municipal Institutions in the District of Algoma;" chapter thirty-seven, passed in the thirty-fifth year of the same reign, intituled, "An Act to Establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay;" chapter forty-nine, passed in the thirty-sixth year of the same reign, intituled, "An Act to organize the Municipality of the District of Muskoka for certain purposes;" and chapter fifty, passed in the last mentioned year, intituled "An Act to organize the Municipality of Shuniah and to amend the Acts for establishing Municipal Institutions in Unorganized Districts," or under this Act, shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the treasurers and wardens thereof; and the various provisions of law relating to sales of land for arrears of taxes or to deeds given therefor, shall, unless otherwise provided by this Act, apply to the said municipalities and to sales of land therein for arrears of taxes due thereon and to deeds given therefor.

CHAPTER

CHAPTER 29.

An Act to prevent the Spreading of Canada Thistles.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of Chapter one hundred and eighty-eight of the Revised Statutes of Ontario is amended by striking out all the words after the word “municipality” in the second line of the said section to the word “officers” in the third line of the said section. R. S. O., c. 188, s. 2, amended.

2. Section three of the said Act is amended by adding thereto the words “and it shall be the duty of such overseer to give such notice not later than the twenty-fifth day of June.” Sec. 3 amended.

3. Section twelve of the said Act is hereby repealed. Sec. 12 repealed.

CHAPTER 30.

An Act respecting Ditching Water-courses.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section three of Chapter one hundred and ninety-nine of the Revised Statutes is hereby amended by striking out the word “occupying,” in the first line of said section and substituting therefor the word “of.” R. S. O., c. 199, s. 3, amended.

2. Sub-section three of section four of the said Act is hereby amended by striking out all the words after the word “resident” in the sixth line of the said sub-section and inserting the words “by mailing such notice to, or leaving the same with, any agent of such owner or by mailing such notice to the last known place of residence of such owner.” Sec. 4, sub-s. 3, amended.

3. Sub-section three of section seven of the said Act is hereby amended by adding thereto the following proviso: Sec. 7, sub-s. 3, amended.

“Provided always that in the case of the death or removal from the

the municipality of any such fence-viewers or his or their ceasing to be fence-viewers, another or other fence-viewer or fence-viewers may be notified in the place of him or them so dying, removing out of the municipality or ceasing to be fence-viewers, but there shall be the same right of objecting to the substituted fence-viewers as is given by sub-section four of section four of this Act, and in case of such objection being made the judge shall name the fence-viewers who are to arbitrate."

Sec. 8 repealed.

4. The eighth section of the said Act is hereby repealed and the following substituted therefor:

Award and plan deposited to be evidence.

8. The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, within ten days after the making thereof, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given by the clerk of such municipality to all parties interested, within three days after their deposit.

Notification of making award and plan.

CHAPTER 31.

An Act to amend the law for the Protection of Game and Fur-bearing animals.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

41 Vic., c. 18, repealed.

1. The Act passed in the forty-first year of Her Majesty's reign, and chaptered eighteen, is hereby repealed.

Close period.

2. None of the animals or birds hereinafter mentioned, shall be hunted, taken or killed within the periods hereinafter limited; (1) deer, elk, moose, reindeer or caribou, between the fifteenth day of December and the first day of October; (2) grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September; (3) wild turkeys or quail, between the first day of January and the first day of October; (4) woodcock, between the first day of January and the first day of August; (5) snipe, between the first day of January and the fifteenth day of August; (6) water fowl, known as mallard, grey duck, black duck, wood or summer duck, between the first day of January and the

Deer, etc.

Grouse, etc.

Turkeys and quail.

Woodcock.

Snipe.

Ducks.

the fifteenth day of August; (7) other ducks, swans or geese, Swans and geese.
 between the first day of May and the fifteenth day of August;
 (8) hares between the first day of March and the first day of Hares.
 September.

3. No person shall have in his possession any of the said Possession, how farlawful
 animals or birds, or any part or portion of any of such animals or
 birds, during the periods in which they are so protected:
 Provided that they may be exposed for sale for twenty days, Exposure for sale.
 and no longer, after such periods, and may be had in possession
 for the private use of the owner and his family at any time, but
 in all cases the proof of the time of killing, taking or purchas-
 ing shall be upon the person so in possession.

4. No eggs of any of the birds above mentioned shall be Protection of eggs.
 taken, destroyed, or had in possession by any person at any
 time.

5. None of the said animals or birds, except the animals Trapping for-
bidden.
 mentioned in the seventh section of this Act, shall be trapped,
 or taken, by means of traps, nets, snares, gins, baited lines, or
 other similar contrivances; nor shall such traps, nets, snares, gins,
 baited lines or contrivances be set for them, or any of them, at
 any time; and such traps, nets, snares, gins, baited lines or
 contrivances may be destroyed by any person without such
 person thereby incurring any liability therefor.

6. None of the contrivances for taking or killing the wild Batteries, etc.,
for taking wild
fowl forbid-
den.
 fowl, known as swans, geese or ducks, which are described or
 known as batteries, swivel guns, sunken punts or night-lights,
 shall be used at any time.

7. No beaver, muskrat, sable, martin, otter or fisher, shall Fur-bearing
animals pro-
tected.
 be hunted, taken or killed or had in possession of any person
 between the first day of May and the first day of November;
 and no mink between the first day of April and the first day
 of November; nor shall any traps, snares, gins or other con-
 trivances be set for them during such period; nor shall any
 muskrat-house be cut, broken or destroyed at any time; and
 any such traps, snares, gins or other contrivances so set may be
 destroyed by any person without such person thereby incurring
 any liability therefor: Provided that this section shall not apply Proviso.
 to any person destroying any of the said animals in defence or
 preservation of his property.

8. Offences against this Act shall be punished upon sum- Penalties.
 mary conviction on information or complaint before a justice
 of the peace as follows: (1) in case of deer, elk, moose, rein-
 deer or caribou, by a fine not exceeding fifty dollars, nor less than
 ten dollars, with costs, for each offence; (2) in case of birds
 or eggs, by a fine not exceeding twenty-five dollars, nor less
 than five dollars, with costs, for each bird or egg; (3) in case of
 fur-bearing

fur-bearing animals mentioned in the seventh section of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars, with costs, for each offence; (4) in the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars, with costs.

Disposition of penalties.

9. The whole of such fine shall be paid to the prosecutor, unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

Confiscation of game.

10. In all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose, at the discretion of the convicting justice.

Game imported for breeding protected.

11. In order to encourage persons who have heretofore imported or hereafter import different kinds of game with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred.

Use of poison prohibited.

12. It shall not be lawful for any person to kill or take any animal protected by this Act by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may have access to the same.

Deer, etc., not to be killed for export.

13. No person shall at any time hunt, take, or kill any deer, elk, moose, reindeer, or caribou, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer, or caribou, so hunted, taken or killed is not intended to be exported as aforesaid shall be upon the person hunting, killing, or taking the same;

Penalty.

(1) Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal.

Dogs trained to hunt deer not to run at large.

14. No owner of any dog, trained or accustomed to hunt deer, shall permit any such dog to run at large (if such dog is accustomed or is likely to resort to the woods unaccompanied by such owner or any of his family or other person) during the period from the fifteenth day of November to the first day of October, under a penalty, on conviction, of not more than twenty-five dollars, nor less than five dollars, for each offence. Any person harbouring or claiming to be the owner of any such dog, shall be deemed to be the owner thereof.

Appointment of game inspectors.

15. It shall be lawful for the council of any county, city, town, township or incorporated village, to appoint an officer
who

who shall be known as the game inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary, as may be mutually agreed upon.

CHAPTER 32.

An Act respecting certain amendments to the Public Schools Act.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The fourteenth section of the Revised Statute respecting Public Schools is hereby amended by adding thereto the following : “ But in the case of Public Schools in rural school sections, or of townships the trustees thereof may open the schools therein, on the third day of August, in any year after the present year, so that the term may begin in such school or schools on that day instead of the eighteenth day of August, and end on the twenty-third day of December following, but such additional period during which the school may be open, shall not be considered in any appropriation of the legislative or municipal grants.” R. S. O., c. 204 s. 14, amended.

2. The fourth sub-section of section one hundred and sixty of the Public Schools Act is hereby re-enacted, and the following shall be added thereto and form part of the same :—
“ Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division ; and the fees to be imposed upon other non-resident pupils whose parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of fifty cents for each pupil for every calendar month.” Sub.-s. 4 of sec. 160, re-enacted. Proviso. Fees on non-resident pupils.

3. In the case of every union school section or school division comprised of the whole or parts of two or more municipalities, the union school section or school division, as the case may be, shall be held for the purpose of inspection, the borrowing of money and the issuing of debentures, and for all school purposes, except as hereinafter mentioned, as within the township, town, or village municipality in which the school-house is situated, and if there are two or more school-houses then in the municipality with the largest amount of assessed property ; and the school rates of such union or school division shall henceforth

be collected by the respective collectors of the township, town, or village municipality in which each part of the union or school division is respectively situate, and the taxes shall be so levied and collected in each part of such union or school division for its proportionate amount of the trustees' yearly requisition made to the clerk of the municipality in which the union or school division is deemed to be situate, upon an equalized basis of assessment, and if such equalized basis is not mutually agreed upon on or before the first day of August between the councils of the respective municipalities, this shall be determined by reference to the inspector or inspectors having jurisdiction in the respective municipalities concerned, and other competent persons, one to be chosen by the council of each such municipality, and not being a member of such council, and the determination by the said referees, or the majority of them shall be final and conclusive in the premises, and in cases where the number so appointed would be even, then the senior county judge shall be added thereto, and in case of default by any council in appointing a referee on its behalf, on or before the first day of August, a majority of the other referees shall be competent to make such determination. The referees shall be paid the like remuneration as township councillors, as also their travelling expenses by the trustees of the union or school division, out of the school moneys thereof ;

(2) Every such equalization shall continue in force for the period of five years, unless any council should before the first day of August in any year require another reference to be held for this purpose ; and the clerk of the municipality in which the union or school division is deemed to be situate, shall forthwith certify to the clerks of the several municipalities concerned, the respective amounts which each of them, according to this equalization, is required to place upon the collector's roll of his municipality ; and the amounts payable by the several ratepayers in each part of the union shall be such as with an equal rate levied upon all parts of the union shall be sufficient to meet the yearly requisition of the trustees upon the municipality in which the union or school division is deemed to be situate ; and such amounts as, and when collected shall be paid by the respective collectors to the treasurer of the municipality in which the union or school division is deemed to be situate.

Township assessors to enter on roll number of children between five and sixteen in each family.

Certain expenses to be paid to trustees by municipality.

4. It shall be the duty of every township council to cause the assessor of the township in preparing the annual assessment roll of the township to set down therein in a separate column, the number of children between the ages of five and sixteen years, opposite the name of each person on the assessment who are resident with him, and the clerk of the township shall on or before the first day of July in each year, furnish the Secretary-Treasurer of each school section in the township with a statement of the total number of such children within that section, and shall also furnish the Public School Inspector with

with a statement of the total number in the township, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the twentieth day of December in each year, be paid over to the trustees, without any deduction whatever; and the clerk of each township council shall also upon request, and free of any charge furnish the Public School Inspector with a true copy of the assessed value of each school section as shewn in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. The township clerk shall be entitled to reasonable payment from the township council for the above mentioned services. The provisions of this section shall also apply to cities, towns, and villages, and the municipal councils and officers thereof, so far as consistent with any other provisions affecting the same, and shall also apply to Separate School Boards or trustees who may exercise their option of having their school rates collected by the municipal councils and the officers thereof.

5. The trustees of every rural school section and the Public School Board of every town, village or township shall keep, or cause to be kept, books of account of all school moneys of their section, town, village or township (as the case may be), according to such form as may be prescribed by the Minister of Education.

Accounts in
rural school
sections.

6. It is hereby declared that the provisions contained in section twenty-nine of the Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered thirty-four, shall be construed not to apply to school furniture and appliances, ordinary repairs, fencing, sheds, offices, or the like objects.

Application of
42 Vic. c. 34,
s. 29.

7. In cases of school divisions within section eighty-three of the Public Schools Act, it shall be competent for the council of the township in which any part of such school division is situate, to withdraw the same or any portion thereof from such school division, and to annex the same to another school section in the same township, or to form a new section thereof by by-law to be passed before the first day of October in any year, and to take effect on the first day of January next following; and in case of any disagreement as to the terms of such withdrawal, the same shall be determined in the manner provided by law, with respect to the alteration or dissolution of union school sections.

Alteration of
school divisions
within
R.S.O. c. 204
s. 83.

8. In all cases of the formation, alteration or dissolution of school sections within the same township, or of township boards, or of union school sections comprised of the whole or parts of

Confirmation
of by-laws for
certain purposes.

two or more townships, or of school divisions comprised of a town or village, and the whole or parts of one or more townships, any by-laws to be passed for any of such purposes shall become absolutely legal and valid, and the jurisdiction of any court to question the same shall be deemed to be ousted when such by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying, by advertisement or otherwise as he may direct, and the certificate of the Minister of Education endorsed on a certified copy of such by-law shall be conclusive evidence of such confirmation, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law.

Application of
R. S. O., c. 204,
ss. 140 and 150,

9. The one hundred and fortieth section of the Public Schools Act shall hereafter be construed not to authorize such alteration by the council of either municipality as would add any further portions of the municipality to such union school section; and the provisions of section one hundred and fifty of the Public Schools Act shall apply to any case of a dissolution of a union section for any cause whatever.

S. 142
amended.

10. The one hundred and forty-second section of the Public Schools Act is hereby amended so that it shall be necessary that any portion of the township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the township.

Inconsistent
enactments
repealed.

11. The provisions of any other act or of any special act relating to union school sections or divisions inconsistent with this act are hereby repealed.

Compelling
attendance of
witnesses.

12. In any matter or inquiry which the Minister is by law authorized to institute, make or direct, he may, upon application (without notice) to any of the superior courts, or a judge thereof, obtain an order for the issue of a writ or writs of subpoena *ad testificandum*, and also *duces tecum*, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in any of the said courts.

Short title.

13. This act may be cited as "The Public Schools Amendments Act, 1880."

CHAPTER 33.

An Act respecting the Agricultural College.

[Assented to 5th March, 1880.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The School of Agriculture, heretofore established in the county of Wellington, in this Province, for instruction in the theory and practice of agriculture, horticulture and arboriculture, and the conducting of experiments relating thereto, is hereby continued, at its present site, under the name of the "Ontario Agricultural College and Experimental Farm."

School of Agriculture, continued.

Site Name.

2. The said college shall be furnished with all appliances, such as land, buildings, implements, tools and apparatus generally, as may be necessary for theoretical and practical education in agriculture, horticulture and arboriculture, and the course of instruction therein shall be with reference to the following subjects:—

Nature of instruction.

(1) The theory and practice of agriculture ;
 (2) The theory and practice of horticulture ;
 (3) The theory and practice of arboriculture ;
 (4) The elements of the various sciences, especially chemistry, (theoretical and practical), applicable to agriculture and horticulture ;

(5) The technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture ;

(6) The anatomy, physiology, and pathology, of the ordinary farm animals ; with the characteristics of the different varieties of each kind ; with the management thereof in the breeding, raising, fattening, and marketing of each, and with a knowledge of the cheese and butter factory systems ;

(7) The principles of construction and skilful use of the different varieties of buildings, fences, drainage systems, and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits ;

(8) And such other subjects as will promote a knowledge of the theory and practice of agriculture, horticulture and arboriculture.

3. The education and instruction shall be at once theoretical and practical, the former known as a course of study and the latter as a course of apprenticeship ; and a time, not less than three and not more than five hours daily, on a yearly average,

Education.

shall

shall be spent in undergoing the latter, and for the encouragement of such labours, an allowance in part liquidation of expenses may be made; yet, notwithstanding, the course of apprenticeship may be dispensed with, if a satisfactory examination be previously passed in all the operations therein required.

Nature of experiments.

4. Experiments with the different varieties of cereals, grasses, and roots; of trees, plants, shrubs, flowers, and fruits; with different modes of cultivation; with different manures; with the breeding, raising, and fattening of animals; with the products of the dairy; and with whatsoever else may be of practical benefit in adding to the knowledge of the facts, principles, and laws of the science and art of agriculture, horticulture, and arboriculture under the climatic conditions of this Province, shall be carried out on the experimental farm; and the modes of procedure and results published from time to time.

Publication of procedure and results.

Rules, regulations and curriculum of the College.

5. The government of the college shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall contain provisions for the standard and mode of admission, the course of study, and apprenticeship in each branch in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships, or other rewards to be given, after examination, in any of such subjects; and may also impose reasonable fees for attendance.

Appointments to be made by the Lieutenant-Governor in Council.

6. The Lieutenant-Governor in Council may from time to time appoint a president and such professors, instructors, officers, assistants, and servants as the Lieutenant-Governor in Council may deem necessary for the efficient working of said college, and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties.

Sessions, terms and vacations.

7. There shall be two sessions in each year, and two terms in each session; the winter session shall open on the first day of October, and close on the thirty-first day of March; the summer session shall open on the sixteenth day of April, and close on the thirty-first day of August; and the time between the closing and opening of the respective sessions shall constitute the regular vacations.

Affiliation of the College with the University of Toronto.

8. The Lieutenant-Governor in Council may agree with the University of Toronto for the affiliation of the said College with the said University, but only to the extent of enabling the students of the said college to obtain at the examinations of the said university such rewards, honours, standing, scholarships, diplomas and degrees in agriculture as the said University, under its statutes and the Acts of the Legislature in that behalf, may be allowed to confer.

Museum and Laboratory.

9. In connection with the college there shall be a museum of

of agriculture and horticulture, together with the scientific and technical branches relating thereto, in order to afford aids to practical instruction, and illustrations of the agricultural and horticultural products of the Province; as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures, in order that, after the proper inspection and tests, their purity and strength may be reported for the benefit and protection of the agricultural community.

10. It shall be lawful for the Lieutenant-Governor in Council on behalf of the Province to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said college, museum or laboratory.

Gifts, bequests, &c., to College, Museum or Laboratory.

11. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the conduct of the students, and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes.

No religious test or profession required; but all facilities given for acquiring religious training.

12. Full reports of the progress of the said college and farm shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain:—

Reports and returns to the Legislative Assembly.

(1) A tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of the parent or guardian, the number of classes that each student attended, and his progress and efficiency therein;

(2) A return of the professors, instructors and assistants, with a summary of the instruction given by each;

(3) A copy of the examination papers used in the sessional examinations, and the results thereof;

(4) A summary of the operations in the various departments of the farm;

(5) A clear and succinct account of the modes of procedure and results of the various experiments carried on during the year;

(6) A detailed statement of the income and expenditure of the college and farm for the year;

(7) A copy of all rules and regulations made during the year by the Lieutenant-Governor in Council, regarding the standard and mode of admission, the course of study and the course of apprenticeship;

(8) A comparative statement shewing the progress of the college and farm from year to year.

CHAPTER 34.

An Act respecting the Ontario Reformatory for Boys.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

1. The word "county," whenever it occurs in this Act, shall include any provisional county and any union of counties for judicial purposes, also the provisional judicial district of Algoma, the temporary judicial district of Nipissing, the territorial districts of Muskoka, Parry Sound, and Thunder Bay, and any other judicial or territorial division or district that may be formed out of any portion of the unorganized territory in this Province. The word "sentence," unless where the context requires a different meaning, shall include any order made by lawful authority for the confinement of any boy in the Reformatory hereinafter mentioned, and the word "sentenced" shall include the making of such order.

Name of Re-
formatory.

2. The institution established at Penetanguishene, and known as the Reformatory Prison, is hereby continued, and shall hereafter be designated the "Ontario Reformatory for Boys."

Property in-
cluded in Re-
formatory.

3. The said Ontario Reformatory for Boys shall be held to include all the lands and buildings now attached and belonging to the said Reformatory, including the lands acquired from the Ordnance Department, and known as the redoubts, and whatever land may hereafter be purchased or acquired for the purposes of the said Reformatory, and whatever buildings may hereafter be erected upon any of the said lands.

Objects of Re-
formatory.

4. The said Reformatory shall have for its objects the custody and detention, with a view to their education, industrial training, and moral reclamation of such boys as shall be lawfully sentenced to confinement therein.

Appointment
of certain
officers.

5. The Lieutenant-Governor may from time to time appoint for the said Reformatory a Superintendent, a deputy-superintendent, a bursar, a storekeeper and steward, two or more schoolmasters, a surgeon, and such trade-instructors, overseers, and other officers and servants as the efficient management of the said Reformatory may require; and may fix and determine their respective salaries.

Qualification
of school mas-
ters.

6. No person shall be deemed legally qualified to be a school-master in the said Reformatory, who does not at the time of his

his appointment, and during his tenancy of the office, hold a first or second-class certificate of qualification as public school teacher in this Province.

7. The Inspector of Prisons and Public Charities shall, by ^{Inspector.} virtue of his office, be the Inspector of the said Reformatory.

8. Whenever a boy is sentenced to confinement in the said Reformatory, the sheriff or other officer having the lawful custody of such boy, shall forthwith notify the said Inspector of such sentence, and shall at the same time send to the said Inspector a copy of the sentence of such boy, taken from the minutes of the court before which such boy was tried, and certified by a judge, or the clerk, or acting clerk of such court, or in case the boy is held in custody under the order or warrant of a judge, justice of the peace, or other magistrate, a copy, certified by such sheriff or other officer, of the said order or warrant, together with a return in accordance with Schedule A to this Act, properly filled up.

Notice to be sent to Inspector when any boy is sentenced to Reformatory.

9. The said Inspector may thereupon issue his warrant in duplicate under his official seal, to a Provincial bailiff requiring the said bailiff to take the said boy into his custody, and the said sheriff or other officer having the lawful custody of such boy, shall, when required so to do, upon production of one of the duplicates of the said warrant, deliver up the said boy to the said bailiff, and in case such sheriff or other officer holds a warrant or order for the confinement of such boy in the Reformatory, he shall also deliver the original warrant or order with such boy to the said bailiff, in order that he may deliver the same to the Superintendent of the Reformatory.

Warrant of removal.

10. The said bailiff may take into his custody, for the purpose of removal to the said Reformatory, any boy sentenced to the said Reformatory, without any further authority than the said warrant of the said Inspector and either the said certified copy of the sentence, or the said original warrant or order.

Authority for removal.

11. The said bailiff shall give one of the duplicates of the said warrant and a receipt for any such boy to the sheriff, gaoler, superintendent, or other officer having the custody of such boy, and shall thereupon, with all convenient speed, convey and deliver up such boy, with the said certified copy of the sentence, or such warrant or order, into the custody of the Superintendent of the said Reformatory, or the warden or keeper of the said place to which such boy may be lawfully removed, and the said Superintendent, warden, or keeper shall give a receipt in writing for every boy so received into his custody to such bailiff as his discharge, and such boy shall be kept in custody in the said Reformatory, or other lawful place to which he has been so removed, until the termination of his sentence, or until his pardon, release, or discharge

Receipt to be given and taken by bailiff.

charge by law or until he be removed therefrom under competent authority.

Powers of
bailiff.

12. The said bailiff may secure and convey such boy through any county through which he may have to pass; and until such boy shall have been delivered to the Superintendent of the said Reformatory, or to the warden or keeper of any place to which such boy may lawfully be removed from the said Reformatory, the said bailiff shall have, in every part of this Province through which it may be necessary to convey such boy, the same power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape, and to recapture him in case of his escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county.

Warrant may
be directed to
person not a
bailiff.

13. The Inspector may, whenever it is more convenient so to do, address his warrant for the removal of any boy to or from the said Reformatory (whose removal is by law required or authorized) to any fit and proper officer or person other than the said bailiff, and such officer and person shall thereupon, as to every such boy and for his removal or to prevent his escape or for his recapture, possess all the rights and authority which a Provincial bailiff would have had if such warrant had been addressed to him, and shall perform the like duties.

Contracts how
to be made.

14. All dealings and transactions on, account of the said Reformatory, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the industrial operations of the said institution, or for the sale of goods prepared or manufactured therein, or for the hire, labour or employment of any boy therein confined, either within or without the limits of the said Reformatory, shall be entered into and carried out in the corporate name of the said Inspector on behalf of Her Majesty.

Inspector to
make rules,
etc.

15. The said Inspector shall make rules and regulations for the management, interior economy and discipline of the said Reformatory, and for fixing and prescribing the duties and conduct of the Superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward, and general oversight and care of all boys sent to the said Reformatory, and may repeal and amend the same from time to time; but no such rule or regulation, repeal or amendment shall have any effect unless and until it is first approved of by the Lieutenant-Governor in Council.

Powers of In-

16. The Inspector shall have power summarily to suspend any
of

of the officers or servants of the said Reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor in Council, and the Inspector may, until such decision shall have been notified to him, cause any officer or servant so suspended to be removed beyond the precincts of the Reformatory; and it shall be the duty of the said Inspector to recommend the removal of any officer or servant whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension.

17. The Inspector may impose upon any officer or servant of the said Reformatory, for any act of negligence, carelessness, or insubordination by him committed, a fine of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit.

18. The Inspector shall have power at all times to enter into the said Reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such Reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such Reformatory, or any matter affecting the interests of the institution, and may by the same or like order compel the production of books, papers, and writings before him; and any person, having been duly served with a copy of such order, who shall neglect or refuse to appear at the time and place specified therein, or shall refuse to give evidence, or to produce the books, papers, or writings demanded of him, may, by virtue of a warrant under the hand of the Inspector in that behalf, be taken into custody, and imprisoned in the common gaol as for contempt of court, for a period not exceeding fourteen days.

19. It shall also be the duty of the Inspector to audit the accounts of the bursar of the said Reformatory, to inquire into all money transactions when requisite, and to demand and obtain a statement of all cash transactions of such Reformatory every month.

20. The Superintendent of the Reformatory shall reside in a house to be provided for him within the grounds of the said Reformatory, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control, and management of all its affairs, other than those under the control and management of

of the bursar, subject to the said rules and regulations made by the Inspector as aforesaid, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution.

Superintendent to receive and detain boys sentenced to Reformatory.

21. The Superintendent shall receive into the said Reformatory every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations, and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise lawfully discharged.

Superintendent to notify parents, etc.

22. The Superintendent shall, upon the reception of any boy into the said Reformatory, ascertain the address of the parents, guardian, or other person with whom such boy has been living, and shall send by mail, registered, a notice that such boy has been committed to the said Reformatory.

Books of account, etc., to remain in Reformatory.

23. All books of account, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other books, papers, and documents of every kind relating to the affairs of the said Reformatory, shall be considered the property of Her Majesty and shall remain in the Reformatory; and the Superintendent of such Reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions elsewhere, he shall be furnished by the clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly.

Official reports

Bursar, etc., to give security.

24. Every bursar, and every storekeeper and steward of the said Reformatory, shall severally execute to Her Majesty a bond, with the security of some guarantee company in good standing in this Province, conditioned for the faithful performance of the duties of their respective offices according to law, in the respective sums following, that is to say: the bursar in three thousand dollars, and the storekeeper and steward in one thousand dollars, which bond shall be filed in the office of the Provincial Secretary and Registrar.

Oaths to be taken by Superintendent, etc.

25. Every Superintendent, officer, and servant employed permanently in the said Reformatory, shall severally take and subscribe, in a book to be kept for that purpose by the bursar at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:—

“I, (A.B.), do promise and swear (or affirm) that I will faithfully, diligently, and justly perform the duties of in the Ontario Reformatory for Boys to the best of my ability, and that I will carefully observe and carry out all the rules and

and regulations of the said Reformatory, so help me God :” Which oaths may be administered by the Inspector, or by a justice of the peace, and in the case of any of the said officers or servants other than the Superintendent by the Superintendent.

26. No Inspector, Superintendent, or other officer or servant employed in the said Reformatory, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions, for the use of such Reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under a penalty of one thousand dollars, with full costs of suit, to any person who sues for the same in any court of competent jurisdiction in this Province, one-half of such penalty to belong to the person suing for the same, and the other half to Her Majesty for the public services of this Province.

Officers not to be interested in any contract for supply of Reformatory.

Penalty.

27. Upon complaint and due proof made to the judge of any county court or to any police magistrate, by a parent or guardian of any boy between the ages of ten and thirteen years, that by reason of incorrigible or vicious conduct, such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such child manifestly requires that he should be committed to the said Reformatory, such judge or police magistrate may order such boy to be confined in the said Reformatory for an undefined period not to exceed five years.

Boys may be sent to Reformatory on proof that they are so incorrigible or vicious as to be beyond control.

28. Any court, judge, police, or stipendiary magistrate, or justice of the peace, who, under and by virtue of any Act of the Legislature of this Province, has, or shall have, power to sentence any boy to be confined in the said Reformatory for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the said Reformatory until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged, as hereinafter provided: Provided that such boy shall not be detained for a longer time than the maximum term of confinement for which he might have been sentenced for the offence of which he was convicted; and that no boy shall be sentenced under this section who cannot be imprisoned for two years or over.

Time of confinement in Reformatory.

Proviso.

29. In case any boy is sentenced to confinement in the Reformatory, a copy of the sentence of the court duly certified as aforesaid, or the warrant or order of the judge, justice of the peace, or other magistrate by whom the boy is sentenced, shall be a sufficient authority to the sheriff, constable, or other officer who may be directed so to do (which direction may be verbal) to convey such boy to the common gaol of the county where

Warrant for detention in gaol of persons sentenced to Reformatory.

where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff or other person entrusted with the warrant of the Inspector shall require the delivery of such boy for removal to the Reformatory.

Detention in gaol when boy cannot safely or conveniently be removed.

30. In case any boy, sentenced under any Act of the Legislature of Ontario to be confined in the Reformatory, is in such a weak state of health that he cannot safely or conveniently be removed to the Reformatory, he may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the Reformatory; but any time during which such boy is so detained shall be reckoned in computing the time served by such boy in the Reformatory.

Record to be kept with a view to mitigation of sentence.

31. In order to encourage good behaviour and industry among the boys in the said Reformatory, and with a view to permitting every boy to earn a remission of a portion of the term for which he was sentenced to the said Reformatory, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every boy may be made under the mark system.

Proceedings for remission of sentence.

32. When under the rules made in that behalf, a boy shall have obtained the requisite number of good marks, based upon good conduct, proficiency in school, and industrious habits, and shall in addition thereto have given satisfactory evidence of being reformed, it shall be the duty of the Superintendent to transmit to the Inspector a certificate to that effect, and also the separate certificates to a like effect or with such variations as their respective opinions may render necessary, of the minister or other person who has given religious instruction to such boy, of the schoolmaster who has given him secular instruction, and of the trade-instructors, if any, whom he has been under; whereupon, the Inspector, if he considers it requisite, shall make further inquiry into the facts, and having satisfied himself that the boy has earned his discharge shall forthwith transmit the certificates and other papers to the Attorney-General of the Province, with a recommendation that action be taken to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period: Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the said Reformatory: Provided also that the judge of any county court or any police magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of an Act of the Legislature of Ontario and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to the said Reformatory, there to be confined for the residue of the term for which he was originally sentenced.

Proviso.

Proviso.

33. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the said Reformatory, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the Reformatory by virtue of a sentence pronounced under the authority of any statute of this Province, the Superintendent may, with the consent and in the name of the said Inspector, bind the said boy to such person for any term not to extend beyond a period of five years from the commencement of his imprisonment, without his consent, and the Inspector shall thereupon order that such boy shall be discharged from the said Reformatory, and he shall be discharged accordingly: *Provided that* any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit. *Superintendent may apprentice boys in certain cases.*

34. Whenever the time of any boy's sentence in the said Reformatory, under any law within the legislative jurisdiction of this Province, shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. *Boys not to be discharged on Sunday.*

35. No boy shall be discharged from the said Reformatory at the termination of his sentence, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such Reformatory until he recovers from such disease or illness: *Provided that* any boy remaining in the said Reformatory from any such cause shall be under the same discipline and control as if his sentence were still unexpired. *Boys not to be discharged if labouring under certain diseases.*

36. Chapter two hundred and eighteen of the Revised Statutes of Ontario is hereby repealed. *R.S.O., c. 218, repealed.*

SCHEDULE A.

(Section 8.)

ONTARIO REFORMATORY FOR BOYS.

Return made under 43 Vic. cap. , sec. 8, of boy in Gaol liable to transfer to the Reformatory

(~~A~~ A separate return to be made with each boy.)

1. Name in full
2. Age
3. From what court sentenced

4. Date of sentence
5. Period and nature of sentence
6. Place of residence
7. Place of birth
8. Name and post-office address of parents, guardian, or other person with whom boy has been living
9. Trade, occupation, or calling of boy, if any
10. Temperate or intemperate
11. If married, state the fact
12. Religious denomination
13. Degree of education
14. Offence
15. Fine, if any
16. Gaoler's opinion as to physical and mental condition of boy, and his fitness to perform ordinary work

(Signature of sheriff)

(Date of return)

CHAPTER 35.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment
of bailiffs.

1. The Lieutenant-Governor may appoint a bailiff or bailiffs, male or female, who shall be designated and known as provincial bailiffs, and who shall be employed for the purpose of conveying any person from time to time confined in any of the common gaols of the Province or other place of custody, and liable to be thence lawfully removed to any asylum or other institution for the insane in this Province, or to the Reformatory for Boys, or to the Andrew Mercer Ontario Reformatory for Females, or to the Industrial Refuge for Girls, and also in the performance of such other duties as may be assigned to him, her, or them by the Inspector of Prisons and Public Charities.

Warrant for
removal.

2. Any bailiff so appointed may convey any person from the gaol or other place of custody to such one of the provincial institutions in the foregoing section mentioned in which such person is lawfully directed to be confined, without any further authority than the warrant of the Inspector of Prisons and Asylums

Asylums under his official seal and in duplicate, and such person shall be received into such provincial institution and there detained subject to the rules, regulations and discipline thereof until legally entitled to be discharged therefrom.

3. Such bailiff, in the conveyance of any such person as aforesaid to any of the provincial institutions hereinbefore mentioned, may secure and convey him or her through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such provincial institution, such bailiff shall have, in every part of this Province, the same power and authority over and with regard to such person, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted or confined would himself have in conveying him or her from one part to another of that county.

Powers of bailiffs.

4. Such bailiff shall give one of the duplicates of the warrant and a receipt to the sheriff or gaoler for every person so liable to be removed from the gaol or other place of custody, and shall thereupon with all convenient speed convey and deliver up such person with the other duplicate of the warrant to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, as evidence of his discharge of duty, and every such person shall be kept in such provincial institution until legally discharged, or removed under competent authority.

Bailiffs to give and take receipts for persons in their charge.

5. The county or other municipality, in which the gaol or other place of custody is located and from which any such person may be removed by such bailiff as aforesaid, shall be liable to pay to the treasurer of the Province, on demand, the expenses incurred in the removal and conveyance, as aforesaid, of each such person, together with sixty per centum added thereto toward the salary or other remuneration of such bailiff; Provided always that when gaols are maintained jointly by cities and counties, or in case of towns separated from counties, the county shall be held to be the municipality in which the gaol is located, and such cities or towns shall pay their just proportion of such salaries and expenses, and if not mutually agreed upon the same shall be determined by arbitration as provided by the Municipal Act.

Payment by municipalities.

Proviso.

CHAPTER 36.

An Act to make further provision respecting the Estates of Persons confined in Asylums for the Insane.

[Assented to 5th March, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Proceedings
against per-
sons confined
in public
asylums.

1. In case any action, suit or other proceeding is brought against any person confined in a Public Asylum for the Insane as insane, it shall not be sufficient in order to bind the estate of such insane person, or to make the proceedings otherwise valid, to serve any process, bill, paper or other document upon the Inspector of Prisons and Public Charities, although the Inspector is named therein as committee, but the same proceedings shall and may be taken for the appointment of some person or persons to protect the interest of the insane person aforesaid in the action, suit or other proceeding as would be requisite or might be taken if the said Inspector was not the committee of such lunatic under the Revised Statute "respecting Lunatic Asylums and the Custody of Insane Persons."

Proceedings
by inspector.

2. Nothing contained in the said Statute shall be construed to make it the duty of the Inspector to institute proceedings on behalf of any insane person confined in any public asylum, or to intervene in respect of his estate, but the Inspector may institute such proceedings and otherwise intervene in respect of the estate of an insane person confined as aforesaid, who has no other committee of his estate, wherever the Inspector considers it expedient in the interest of the estate of the said insane person, or necessary in order to secure in the manner least burdensome to the estate of the said insane person, moneys due or to become due for his maintenance in an asylum.

Inspector
may exercise
powers con-
ferred by R.S.
O., c. 220, s.
46, in certain
cases.

3. The said Inspector may exercise the powers by the forty-sixth section of the said Revised Statute conferred upon him if he thinks it expedient so to do, notwithstanding the property of the insane person is not more than sufficient to maintain the family of the lunatic, and notwithstanding by reason thereof it is not the intention of the Government to require payment for the maintenance of the lunatic.

Payment by
inspector to
family of in-
sane person
may be
authorized.

4. Where any moneys or other property belonging to the estate of an insane person has been received by the Inspector of Prisons and Public Charities, as the statutory committee of such insane person, and the Lieutenant-Governor in Council does not think it fitting on account of the necessities of the

the family of such insane person to require from the estate of such insane person payment of the amount payable for maintenance, or which except for the abatement made by such order would afterwards become payable, the Lieutenant-Governor in Council may by order authorize the Inspector to pay over to any member or members of the family of such insane person, or other person or persons, dependent upon him such amount or amounts as it may not be considered proper to claim in respect of his maintenance, and the Inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the said insane person in the asylum in which he is or has been confined.

5. The costs, charges and expenses which the Inspector of Asylums may incur in respect of the estate of an insane person shall be the first charge upon any moneys coming into the hands of the Inspector and belonging to such estate. Costs of inspector a first charge on estate.

CHAPTER 37.

An Act to confirm certain preliminary proceedings, and make further provision for the formation of the County of Dufferin.

[Assented to 5th March, 1880.]

WHEREAS, under and by virtue of the powers contained in an Act passed in the thirty-eighth year of the reign of Her present Majesty, and chaptered thirty-one, the provisional council of the proposed county of Dufferin was duly organized, transacted certain proceedings and passed certain by-laws for the organization of the said proposed county and for other matters, as required by the said Act; and whereas the said provisional council, in obedience to the requirements of said Act, have acquired lands on which to erect the necessary county buildings, and have proceeded to erect, and are proceeding with the erection of the necessary county buildings; and whereas it is expedient to confirm the said proceedings, and to make, pursuant to the petition of the said provisional council, further provision respecting the formation of the said county : Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The by-laws, resolutions, acts, and proceedings, and each and every of the by-laws, resolutions, acts and proceedings of the said provisional council of the said proposed county of Dufferin, hereinafter called the provisional county of Dufferin, are, By-laws, &c., confirmed.
and

and the same are hereby declared to be, legal, valid, binding and effectual, to all intents and purposes whatsoever.

38 Vic. c. 31,
s. 6 repealed.

2. Section six of the said Act passed in the thirty-eighth year of Her Majesty, and chaptered thirty-one, is hereby repealed, and the following section substituted therefor:—

Proclamation
by Lieu-
tenant-Gov-
ernor in
Council of
formation of
new county.

6. After the necessary buildings shall have been erected as aforesaid, it shall be lawful for the Lieutenant-Governor in Council, by proclamation, to declare the said town and townships and any and all incorporated villages which previous to the issue of such proclamation shall be formed within the limits of any of the said townships, to be from a day to be named in such proclamation separated from the said counties to which they respectively belong, and declare them to be formed into a new county, under the name of the county of Dufferin, for all judicial and municipal purposes, and also for registry purposes, unless proclamation in that behalf has previously issued under the provisions of this Act; but until the issue of such proclamation the said town, townships and incorporated villages shall remain connected with the counties of which they respectively form a part for all such purposes, and notwithstanding anything to the contrary in the Municipal Act or any other Act contained, such proclamation shall name and declare the day and time upon and from which such separation shall take and have effect.

Provisional
council.

3. From and after the passing of this Act the several reeves and deputy-reeves of the town of Orangeville, the village of Shelbourne, the townships of Melancthon, Mulmur, Mono, Amaranth, and East Garafraxa, for the time being, shall be the provisional council of the said provisional county of Dufferin.

Meeting of
provisional
council.

4. The reeve for the time being of the said town of Orangeville shall call a meeting of the reeves and deputy-reeves of all municipalities within the said provisional county of Dufferin, to be holden at the said town of Orangeville, on the twenty-third day of March, in the year of our Lord one thousand eight hundred and eighty; and at such meeting the said reeve of Orangeville shall preside until a provisional warden has been elected by the council from among the members thereof.

Appointment
of officers.

5. The said provisional council shall from time to time, by by-law, appoint a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected; and the treasurer and other officers so appointed shall hold office until removed by the council.

Powers of
councils of
counties from
which provis-
ional county

6. The powers of the said provisional council of the said provisional county of Dufferin, shall not interfere with the powers of the councils of the several counties of which the said several municipalities form a part; and any money raised by the

the said provisional council of the said provisional county of Dufferin, shall be independent of any money raised in each of the said several counties.

7. After the issue of the proclamation, authorized by section six of the said Act passed in the thirty-eighth year of Her Majesty's reign and chaptered thirty-one as the same is amended by this Act, the several municipalities comprised within the limits of the said county of Dufferin may respectively enter into agreement with the said respective counties of which the said municipalities form part, for the settlement of the amounts to be paid or received by the said county councils or municipalities in accordance with the provisions of section ten of the said Act.

Time for settlement of amounts due to and from the new county.

8. No member of the said provisional council of the said provisional county of Dufferin, shall vote or take any part in the councils of the several counties of Wellington, Grey, and Simcoe, on any question affecting such agreement or the negotiation therefor.

Members of provisional council not to take part in county councils of Wellington, Grey and Simcoe in settling accounts.

9. In case the several municipalities forming the county of Dufferin, and the several councils of the said counties within six months after the said proclamation is issued, are unable to determine by agreement the several matters mentioned in said section ten of said Act, such matters shall be settled between them by arbitration, under the provisions of the municipal Act, and the county found liable shall pay to any municipality, or any municipality found liable shall pay to any county the balance or amount agreed or settled, or found to be due by such county or municipality; and such amount shall bear interest at six per centum per annum from the day on which said several municipalities are proclaimed to be separated from their said several counties and formed into the county of Dufferin, and shall be provided for like other debts by each or any of the said municipalities or councils liable therefor.

Provision for settlement of differences as to apportionment of debts.

10. After the proclamation declaring the erection of the said county shall have been issued, a judge may be appointed as provided for by the "British North America Act, 1867;" and the Lieutenant-Governor, or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, and county crown attorney, a clerk of the county court, and at least twelve justices of the peace, and shall provide in the commission or commissions that the said appointments are to take effect on the day that the said provisional county of Dufferin shall become a county.

Appointment of county court judge and other officers.

11. After the day named in said proclamation the courts and officers of the said several counties of Wellington, Grey, and Simcoe (including the justices of the peace), shall cease to have any jurisdiction in the county of Dufferin.

When jurisdiction of courts and officers of Wellington, Grey and Simcoe to cease.

Officers and property of provisional county to be those of new county.

12. When the said several municipalities within the limits of the said county of Dufferin are separated from the said several counties of Wellington, Grey and Simcoe, the head and members of the provisional council of the county of Dufferin, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation of the county of Dufferin, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation of the county of Dufferin.

Completion of execution, &c., by sheriffs.

13. The separation of the said Municipalities within the limits of said county of Dufferin, and their formation into the county of Dufferin, shall not prevent the several sheriffs of the said several counties of Wellington, Grey and Simcoe from proceeding upon and completing the execution or service within the county of Dufferin of any writ of mesne or final process in their, or either of their hands, at the time of such separation, or of any renewal thereof, or of any subsequent or supplemental writ in same cause, or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further.

Provisions of 38 Vic., c. 31 to remain in force.

14. The provisions of the said Act passed in the thirty eighth year of Her Majesty's reign and chaptered thirty-one, except where inconsistent with the provisions of this Act are to remain in full force and effect.

CHAPTER 38.

An Act to legalize By-law No. 310 of the City of Brantford.

[Assented to 5th March, 1890.]

Preamble.

WHEREAS, the corporation of the city of Brantford, after submission to the ratepayers, passed a by-law to grant by way of bonus the sum of five thousand dollars, to one Clayton Slater, to establish a cotton factory adjacent to, though outside of the limits of, the said city, which said by-law is numbered three hundred and ten, and also by-law number three hundred and twelve to amend certain informalities in said by-law three hundred and ten, and have by their petition represented that it will be advantageous to said city

that

that the said by-laws should be legalized and declared valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number three hundred and ten of the municipal council of the city of Brantford, as amended by by-law number three hundred and twelve of said corporation, and the agreement entered into between said corporation and Clayton Slater in relation to the erection of said cotton factory, dated the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-nine, are hereby confirmed and declared legal and valid for all purposes, and the debentures to be issued under said by-law shall be valid and binding upon the said corporation and the ratepayers thereof.

By-law 310
and agreement
with Clayton
Slater con-
firmed.

CHAPTER 39.

An Act relating to the incorporation of the Village of Chesley.

[Assented to 5th March, 1880.]

WHEREAS certain inhabitants and ratepayers of the village of Chesley, in the county of Bruce, by their petition represent that the by-law hereto appended was duly passed by the council of the corporation of the county of Bruce on the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-nine, and that, under section eighty-six of chapter one hundred and seventy-four of the Revised Statutes of Ontario, the first election under a by-law erecting a locality into an incorporated village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect; and that it would be productive of great benefit to the petitioners that the election held on the last Monday in December, in the year of our Lord one thousand eight hundred and seventy-nine, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the county council of Bruce, a copy of

By-law con-
firmed.

of which is set forth in the schedule to this Act, marked A, incorporating the village of Chesley, is hereby confirmed as if the incorporation of the said village had gone into effect on the thirteenth day of December, one thousand eight hundred and seventy-nine, and the territory described in the said by-law is on and from that date to be taken and considered as having been erected into an incorporated village called and to be called the village of Chesley, and the inhabitants thereof as formed into a municipal corporation by the name of "The Corporation of the Village of Chesley."

Election of
reeve and
councillors
confirmed.

2. The election of reeve and councillors for the said village of Chesley, held, under the said by-law, on Monday, the twenty-ninth day of December, in the year one thousand eight hundred and seventy-nine, is hereby confirmed; and the reeve of the said village of Chesley, then elected, shall have a seat in the county council of Bruce for the year one thousand eight hundred and eighty.

Municipal
Acts to apply,
except so far as
varied by this
Act.

3. Except as herein specially enacted, all the provisions of "The Municipal Act" and of all other general Acts in force in the Province of Ontario relating to municipal institutions are hereby declared to apply to the said village, in the same manner and to the same extent in all respects, as if the said village had been incorporated under the provisions of those Acts, and such incorporation had taken place upon the said Monday in December aforesaid.

SCHEDULE A.

(Section 1.)

BY-LAW No. 153.

A By-Law to erect into an incorporated Village the Village of Chesley, in the Township of Elderslie.

WHEREAS the inhabitants of the unincorporated village of Chesley, in the township of Elderslie, in the county of Bruce, are desirous that said village should become an incorporated village; and whereas the census returns of said unincorporated village, taken under the direction of the county council of the county of Bruce, shew that the section of the said township of Elderslie intended to be included within the limits of such village, contains over seven hundred and fifty inhabitants, said return shewing nine hundred and five inhabitants; and whereas the residences of said inhabitants within the said section so applying for incorporation are sufficiently near to form an incorporated village; and whereas said inhabitants have, by their petition, signed by over one hundred resident freeholders and householders, of which over one-half are freeholders, praying that said

said village may be erected into an incorporated village; and whereas the county council of the county of Bruce, within the limits of which county said unincorporated village and neighbourhood are situate, is desirous of complying with the prayer of the said petition :

Be it enacted by the municipal council of the corporation of said county of Bruce, and it is hereby enacted :—

(1) That the inhabitants of Chesley and neighbourhood shall be and they are hereby constituted a corporate body politic, under the name of the corporation of the village of Chesley, and said village and neighbourhood are hereby erected into an incorporated village apart from the said township of Elderslie, in which the same is situated ;

(2) The boundaries of said incorporated village shall be as follows, and said incorporated village shall include within its limits the following lands, that is to say the lands contained within the following boundaries, that is to say that portion of the said township of Elderslie described as follows :—The north half of lot thirty-one in the first concession ; the north half of lot thirty in the first concession ; the north-east quarter of lot number twenty-nine in the first concession ; the whole of lot number thirty-one in the second concession ; lot number thirty in the second concession ; the east half of lot number twenty-nine in the second concession ; lot number thirty in the third concession ; the south half of lot number thirty-one in the third concession ; and that part of lot number thirty-two in the second concession, on the south side of the north branch of the river Saugeen, containing by admeasurement, exclusive of streets and river, five hundred acres of land, be the same more or less ;

(3) The first municipal election for said incorporated village shall be held at the Kilbourn Hall, in said village of Chesley, and Duncan M. Halliday, of said village of Chesley, gentleman, is hereby named and appointed the returning officer, who is to hold said first municipal election for said village.

(Signed) ROBERT BAIRD, *Warden.*
GEO. GOULD, *Clerk.*

{ L. S. }

CHAPTER 40.

An Act respecting the debenture debt of the City of Guelph.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the corporation of the city of Guelph has an outstanding debenture debt of more than two hundred and sixty thousand dollars portions whereof fall due during the present and the two next succeeding years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property within said city will not in any of such years be sufficient to meet the current annual expenses of said city and such portion of the said debenture debt as will become due in such year; and whereas the amount of such debt and expenses which said aggregate rate will not be sufficient to meet as aforesaid will be (as nearly as may be) about ten thousand dollars; and whereas the said corporation has prayed that an Act be passed to empower the said corporation in each of the said years to borrow on new debentures such amount as may be reasonable to meet a portion of the said outstanding debentures maturing and to become due as aforesaid in the said years; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority
to issue
debentures.

1. Subject to section two of this Act the corporation of the city of Guelph may from time to time during the years one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two pass by-laws authorizing the issue of new debentures of the said city for an amount not exceeding in any one such year the sum of ten thousand dollars, for the purpose of retiring or renewing a portion of the debentures now outstanding against the said city and falling due within the year in which such new debentures may be issued as aforesaid; and such new debentures to be issued as aforesaid under said by-laws may be in such sums and to such amounts, either in Canadian or sterling currency, as said corporation may deem best: Provided always that such by-laws shall be in conformity and shall comply with the provisions of "The Municipal Act" and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council, either under "The Municipal Act" or any other general Act now or hereafter to be in force in this Province:

Proviso.

Proviso.

vince : and provided further that subject as aforesaid the said ^{Proviso.} new debentures so to be issued as aforesaid under said by-laws, and all moneys arising therefrom shall to the full extent thereof be applied only to retire and redeem the said outstanding debentures so maturing and becoming due as aforesaid in the said years.

2. Notwithstanding anything in this Act contained all of the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said city of Guelph are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects as if this Act had not been passed. ^{Proviso as to outstanding school debentures.}

CHAPTER 41.

An Act to provide for the division of the Township of Luther.

[Assented to 5th March, 1880.]

WHEREAS the Council and the majority of the rate-payers ^{Preamble.} of the Township of Luther, in the County of Wellington, have by their petition represented that it will greatly promote the prosperity of the said Township to divide the same into two distinct municipalities; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Upon, from and after the last Monday of December, one thousand eight hundred and eighty, the inhabitants of all that portion of the said Township of Luther lying west of the centre of the allowance for road between lots numbers eighteen and nineteen in said township, from front to rear of said township, shall constitute a separate township or corporation under the name of the corporation of the Township of West Luther, and the said territory shall thereafter be a separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights powers and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario. ^{Township of West Luther.}

Township of
East Luther.

2. Upon, from and after the said last Monday of December, one thousand eight hundred and eighty, the inhabitants of all that portion of the said Township of Luther which lies east of the centre of the allowance for road between lots numbers eighteen and nineteen in said township, from front to rear of said township, shall constitute a separate township or corporation under the name of the corporation of the Township of East Luther, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation by this section created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Division of
assets.

3. All and every the assets and debts of the present municipality of Luther shall be divided, between the said respective municipalities of West Luther on the one hand and East Luther on the other, in the same manner and by the same proceedings as nearly as may be as in the case of the separation of a junior township from a senior township, under the provisions of "the Municipal Act," and as soon as the said debts shall have been divided as aforesaid, each of the said municipalities shall as between the said corporations be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining however liable as security in respect of the share (if any) of the said debts which it is not its duty primarily to pay, but both the said municipalities shall be liable to all creditors of the said corporation of the Township of Luther, and both the said new corporations may be sued in an action or suit for the recovery of any debt owing by the said corporation at the time of the separation.

Election of
council.

4. The first nomination for the election of members of the council for the said townships hereby created shall take place on the said last Monday of December, in the year of our Lord one thousand eight hundred and eighty, and the polling (if any) at such election shall take place on the first Monday of January next thereafter, and the place for holding such election for the Township of West Luther shall be at Jordan's school-house, in the seventh concession, and the returning officer at such election shall be the township clerk for the time being of the present Township of Luther, and the place for holding the election for the Township of East Luther shall be at the public school-house in Luther Village, and the treasurer for the time being of the present Township of Luther shall be the returning officer for the said last mentioned election, and the provisions of the Revised Statutes of Ontario respecting municipal institutions, relating to the formation of new municipalities and having

having reference to the case of the separation of a junior from a senior township shall apply to the townships hereby formed as if such townships had been a union of townships, except where it is otherwise herein specifically provided, and for the purpose of applying such provisions, the said Township of West Luther shall be deemed to have been the senior township, and the said Township of East Luther shall be deemed to have been the junior township, and the corporation of the Township of West Luther shall be deemed to be a continuation of the present Township of Luther.

5. The clerk of the said present Township of Luther shall furnish to the returning officer of the Township of East Luther before the said election a copy of the assessment roll of the Township of Luther for the year one thousand eight hundred and eighty, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof, within that part of the said township which is hereby constituted the Township of East Luther.

Township
Clerk to fur-
nish Return-
ing-Officer of
East Luther
with copy of
Assessment
Roll.

6. The expenses of and connected with the obtaining of this Act shall be a debt of and shall be borne by the said present Township of Luther.

Expenses of
Act.

CHAPTER 42.

An Act to confirm a certain By-law of the Town of Owen Sound.

[Assented to 5th March, 1880.]

WHEREAS the Council of the Corporation of the Town of Owen Sound have, by their petition, shewn that by their by-law intituled, "By-law No. 275, to authorize Stephen Johnson Parker and Richard Notter to construct Waterworks for the Town of Owen Sound," they have authorized the said Parker and Notter to construct the Waterworks authorized by the Act of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered twenty-eight, subject to and according to the terms and conditions contained in said by-law: that by said by-law the said Corporation bound themselves to take at least twenty hydrants for fire purposes for the period of ten years from the final passing of the said by-law, and to pay therefor to said Parker and Notter at the rates therein provided: that the said by-law was duly submitted to and received the approval of the municipal electors of the said Town; that only a part of the said Town can be served by said proposed hydrants, and the said Council have prayed that they may be authorized

Preamble.

authorized to impose a local rate for the maintenance of hydrants, and that the said by-law be confirmed, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Hydrants may
be maintained
by special rate.

1. The Council of the Corporation of the Town of Owen Sound may yearly pass a by-law for raising such sum or sums as may be necessary for maintaining hydrants in the said Town, by means of a special rate on the ratable property therein, which, in the opinion of the Council of the said Town for the year, may be immediately benefited by said hydrants.

By-law
confirmed.

2. The said by-law No. 275, passed by the Corporation of the Town of Owen Sound is hereby confirmed, and declared legal and valid to all intents and purposes whatsoever.

CHAPTER 43.

An Act to legalize certain by-laws of the Town of Orillia and of the County of Simcoe.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the municipal council of the corporation of the town of Orillia did, on the fourth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, pass a By-law, after the same was duly approved by the rate-payers of the said town, intituled "A By-law to raise by way of Debentures the sum of Twenty-nine Thousand Dollars for the purpose of redeeming certain other Debentures for a like sum due by the Town of Orillia to the holders thereof," and which said By-law is numbered one hundred and thirteen; and whereas the corporation of the county of Simcoe, through the council thereof, did, on the twentieth day of June, in the year of our Lord one thousand eight hundred and seventy-nine, pass a By-law intituled "By-law number three hundred and seventeen, to guarantee certain Debentures of the Corporation of the Town of Orillia," whereby the said corporation of the said county of Simcoe agreed to guarantee the payment of the principal and interest of the debentures to be issued under the said By-law number one hundred and thirteen of the town of Orillia; and whereas, in consequence of certain formal defects in the said by-laws, doubts exist as to their validity; and whereas the municipal council of the corporation of the town of Orillia have petitioned, praying that, for the purpose of removing all doubts as to the validity of the said by-laws, arising from

from defects, either of form or substance, an Act may be passed to confirm and legalize said By-law number one hundred and thirteen of the said town of Orillia, and said By-law number three hundred and seventeen of the corporation of the county of Simcoe; and whereas it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number one hundred and thirteen of the municipal council of the corporation of the town of Orillia, above in part recited, is hereby confirmed and declared legal and valid to all intents and purposes, and the debentures issued, or to be issued under the said by-law, are hereby declared valid and binding upon the said corporation of the town of Orillia and the ratepayers thereof. By-law 113 of the Town of Orillia declared valid.

2. The said by-law number three hundred and seventeen of the corporation of the county of Simcoe, above in part recited, is hereby declared to be legal and valid to all intents and purposes, and the payment of all debentures guaranteed or intended to be guaranteed thereby, shall be and is hereby declared to be legal, valid and binding. By-law 317 of the County of Simcoe declared valid.

CHAPTER 44.

An Act to confirm a by-law of the County of Prince Edward, granting aid to the Prince Edward County Railway Company.

[Assented to 5th March, 1880.]

WHEREAS, the county of Prince Edward, by a by-law Preamble. passed on the thirteenth day of November, one thousand eight hundred and seventy-two, granted a bonus of eighty-seven thousand five hundred dollars to the Prince Edward County Railway Company; and whereas the said bonus was afterwards reduced to sixty thousand dollars, and debentures have been issued for the same, which are now held by the Bank of Montreal; and whereas the county of Prince Edward desired to replace the said debentures by the issue of other debentures; and whereas, on the fifth day of November, one thousand eight hundred and seventy-nine, a by-law, in the words following, so far as the same is material, that is to say: "By-law to provide for the payment of the sixty thousand dollars, bonus granted to the Prince Edward County Railway Company, by annual payments instead of on the sinking fund principle; whereas, by

a by-law passed on the thirteenth day of November, in the year of our Lord one thousand eight hundred and seventy-two, a bonus of eighty-seven thousand five hundred dollars was granted to the Prince Edward County Railway Company, on certain conditions and stipulations therein contained; and whereas said conditions and stipulations not having been complied with by the completion of the road in the time specified therein, a resolution was passed by this council, on the twenty-first day of May, in the year of our Lord one thousand eight hundred and seventy-seven, consenting to an extension of time for said completion, reducing the bonus, lessening the weight of rail to be used, and changing the dates of payment; and on the twenty-fifth day of June, in the year of our Lord one thousand eight hundred and seventy-eight, a by-law was passed by this council, under the authority of forty-one Victoria, chapter fifty-one, ratifying the said resolution on certain conditions therein contained; and whereas the mode of paying said bonus, as provided in said original by-law, by creating an equal yearly sinking fund is thought to be objectionable, it is considered desirable to amend and alter the same by submitting another by-law making it lawful to pay said debt in yearly instalments, and to redeem said original debentures by another issue; and whereas it will require the sum of five thousand two hundred and sixty-four dollars to be raised annually by special rate, for paying the said debt of sixty thousand dollars and interest; and whereas the amount of the whole ratable property of the said municipality, irrespective of any future increase of the same, according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and seventy-eight, is seven million two hundred and eleven thousand and eighty-two dollars; and whereas the said municipality is not at the passing of this by-law indebted to any person or persons whomsoever, or to any body or bodies corporate whatsoever, other than the aforesaid railway company; and whereas for paying the said sum of sixty thousand dollars and interest, it will require an annual special rate of three quarters of a mill on the dollar, or such other rate as may be sufficient (in addition to all other rates), to be levied in each year for the term of twenty years:

Be it therefore enacted by the municipal corporation of the county of Prince Edward:

1st. That it shall and may be lawful for the municipal corporation of Prince Edward to provide for the redemption of the debentures already issued in payment of the bonus of sixty thousand dollars to the Prince Edward County Railway Company, by levying an annual special rate of three-quarters of a mill on the dollar;

2nd. That it shall be lawful, for the purposes aforesaid, for the warden of the said municipality, on the order of the council first had, to cause any number of debentures to be made for such sums of money as may be required for the said purpose,

purpose, none of the same being for a less amount than one hundred dollars each, and not exceeding in the whole the said sum of sixty thousand dollars; which said debentures shall be sealed with the seal of the said corporation of the county of Prince Edward, and signed by the warden and countersigned by the treasurer thereof;

3rd. That the said debentures shall be made payable annually for twenty years from the first day of January, in the year of our Lord one thousand eight hundred and eighty, at the office of the Bank of Montreal, in the Town of Picton, and they shall have attached to them coupons for the payment of interest at the rate and in the manner hereinafter mentioned;

4th. That the said debentures shall bear interest at and after the rate of six per centum per annum, said interest to be payable half-yearly, on the first day of January and July in each year;

5th. That this by-law shall come into force and take effect on, from and after the fifteenth day of December, in the year of our Lord one thousand eight hundred and seventy-nine" was submitted to a vote of the electors of the county of Prince Edward and carried by a large majority, for the purpose of redeeming the said other debentures; and whereas the said by-law has since been read a third time and passed by the council of the said county; and whereas it will be more convenient for the corporation of the county of Prince Edward that the times of payment of the said debentures shall be changed; and whereas the said corporation have prayed that an Act may be passed declaring that the said by-law was and is valid, and providing for terms of payment of the said sum or sums in the said by-law mentioned, and at times different from the times and sums mentioned in the said by-law, and providing also for the surrender to the said corporation of the debentures already held by the Bank of Montreal, and the issue to them of the new debentures, to be issued hereunder; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-laws were and are valid.

By-laws valid.

2. There shall be levied from all the ratable property in the County of Prince Edward in each year, beginning in the year one thousand eight hundred and eighty, a sum sufficient to pay the amount of the debentures in the fourth section of this Act mentioned, falling due on the first day of January following, together with the interest falling due in that year, as in the seventh section of this Act mentioned, until the whole sum of sixty thousand dollars is paid, together with a sufficient sum to pay the interest as hereinafter provided.

Rate for payment of debentures to be levied yearly.

3. It shall be the duty of the council of the said county Municipal and

officers to levy and the various officers of the said county, and the duty of rate. the various municipal officers of the municipalities within the said county to take whatever proceedings may be necessary to levy the said sum.

Amount of debentures.

4. The debentures to be issued for the said sum of money shall be in the following sums payable at the times following:

(a) One debenture of one thousand dollars, on the first of January in each of the four successive years, beginning on the first day of January, one thousand eight hundred and eighty-one;

(b) Two debentures of one thousand dollars each, on the first of January in each of the four successive years, beginning in one thousand eight hundred and eighty-five;

(c) Three debentures of one thousand dollars each, on the first of January in each of the four successive years, beginning in one thousand eight hundred and eighty-nine;

(d) Four debentures of one thousand dollars each, on the first of January in each of the four successive years, beginning in one thousand eight hundred and ninety-three;

(e) Five debentures of one thousand dollars each, on the first of January in each year of the four successive years, beginning in one thousand eight hundred and ninety-seven.

Debentures to be signed and sealed.

5. The said debentures shall be signed by the warden and the treasurer of the said county, and sealed with the corporate seal of the said corporation.

New debentures to be exchanged for old.

6. The said debentures shall, upon surrender of the debentures issued under the said by-law, be delivered to the Bank of Montreal, or their assignee or appointee, and shall be in full satisfaction of the sum granted by the said by-law.

Coupons.

7. There shall be attached to the said debentures coupons for the interest upon the whole sum remaining due in each year at the rate of six per centum, which shall be payable at the place in the said by-law mentioned, half-yearly, on the first of January and July in each year, the first of such payments to be made on the first of July, one thousand eight hundred and eighty, and the said coupons shall be signed by the warden and treasurer of the said county.

Municipal Act to apply.

8. All the provisions of the Municipal Act not inconsistent with this Act shall apply to the debentures and coupons to be issued in pursuance hereof.

CHAPTER 45.

An Act to confirm certain assessments in the City of Catharines.

[Assented to 5th March, 1880.]

WHEREAS the corporation of the city of St. Catharines Preamble.
by their petition have represented that, pursuant to section forty-four of the Assessment Act of Ontario, the council of said city did, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and seventy-eight, pass a by-law, numbered two hundred and eighty, to provide for taking the assessment for said city between the first day of July and the thirtieth day of September, in the year of our Lord one thousand eight hundred and seventy-nine, as the assessment on which the rate of taxation for the year one thousand eight hundred and eighty should be levied; and whereas the said council did, on the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine, pass a certain other by-law, numbered two hundred and eighty-seven, confirming the first mentioned by-law, and further defining the manner of making the said assessment, and concluding the same; and whereas, in pursuance of the further powers contained in said section forty-four, the council of said city did, on the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine, pass a certain other by-law numbered two hundred and eighty-eight, adopting the assessment made and finally revised for the year one thousand eight hundred and seventy-eight, as the basis of assessment upon which the taxes for the year one thousand eight hundred and seventy-nine should be levied, raised and collected; and whereas, after the passing of said last mentioned by-law, and pursuant thereto, a rate was struck upon the basis of the assessment of the year one thousand eight hundred and seventy-eight for the taxes for the said city for the year one thousand eight hundred and seventy-nine, and the clerk of said city duly made a collector's roll for the year one thousand eight hundred and seventy-nine, upon the basis of the said assessment roll for the year one thousand eight hundred and seventy-eight, as the same had been theretofore in said last mentioned year finally revised and amended, on appeal, by the county court judge, and the collector's roll so made was placed in the hands of the collector of taxes for said city; and whereas, under and by virtue of various Acts of the Legislature of Ontario, the said corporation has issued debentures, to the amount of four hundred and forty-two thousand three hundred and seventy-nine dollars for water-works and other local purposes, and the interest, and sinking fund, for the repayment of the same, are, by various by-laws of the said corporation,

corporation, required to be levied and collected in each year ; and whereas, under and by virtue of the Municipal Loan Fund Act of one thousand eight hundred and seventy-three, debentures were issued for the sum of one hundred and fifty-eight thousand six hundred and twenty-one dollars, for which the said corporation are liable, and for the payment of which, and the accruing interest thereon, the said corporation is required to levy sufficient sums in each year ; and whereas the said rate, so struck upon the basis of the assessment of the year one thousand eight hundred and seventy-eight, for the taxes for the said city for the year one thousand eight hundred and seventy-nine, includes the said sums required to meet the liabilities of the said corporation for the said debentures and for the said municipal loan fund, and for the other liabilities of the said corporation for the said year one thousand eight hundred and seventy-nine ; and whereas the greater portion of the taxes so levied for the year one thousand eight hundred and seventy-nine has been collected, but there still remains about twenty-three thousand dollars uncollected ; and whereas a number of ratepayers of said city have taken objection to the legality of the said assessment for the year one thousand eight hundred and seventy-nine, based upon the assessment of the year one thousand eight hundred and seventy-eight, because a court of revision was not held during the year one thousand eight hundred and seventy-nine to again revise the said assessment roll of the said year one thousand eight hundred and seventy-eight, and have refused to pay their taxes, and litigation has arisen which will retard the collection of the unpaid taxes ; and whereas the said petitioners have prayed for an Act to confirm and validate the said assessment for the year one thousand eight hundred and seventy-nine, so made as aforesaid, and to remove all doubts respecting the same ; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Assessment
roll for 1878
confirmed.

1. The said assessment roll for the city of St. Catharines, as finally revised and amended, for the year one thousand eight hundred and seventy-eight, and adopted as the basis of the assessment for the said city for the year one thousand eight hundred and seventy-nine, pursuant to the above recited by-law number two hundred and eighty-eight of said city, notwithstanding that the said roll was not revised during the year one thousand eight hundred and seventy-nine by a court of revision, and notwithstanding any defect, error, omission, or illegality affecting the said roll, or the manner of adopting the same as the basis of taxation for the year one thousand eight hundred and seventy-nine, shall, subject to the provisions of this Act, be valid and binding as the assessment roll upon which the taxes for the said city of St. Catharines for the year one thousand eight hundred and seventy-nine shall be payable, and shall in all respects

respects and for all purposes be the assessment roll for the year one thousand eight hundred and seventy-nine, as if the requirements of the Assessment Act of Ontario had in all respects been fully complied with.

2. The taxes levied for the year one thousand eight hundred and seventy-nine, upon the basis of the said assessment roll of the year one thousand eight hundred and seventy-eight, so adopted as aforesaid, and the collector's roll made therefrom, shall, subject as aforesaid, be valid and binding upon the ratepayers of the said city of St. Catharines, and upon the property and land affected thereby, or set out and described in said assessment roll and collector's roll.

Taxes levied on the roll of 1878 binding on the ratepayers.

3. The said taxes, so levied as aforesaid, shall, subject as aforesaid, be payable by the ratepayers of the said city of St. Catharines named and described in the said assessment roll, and collector's roll made therefrom, and by all other persons who, by the Assessment Act of Ontario, would be liable to pay taxes and rates validly rated, as if the said taxes so rated and levied had been validly rated and levied for the said year one thousand eight hundred and seventy-nine.

Taxes levied to be payable by the ratepayers

4. Subject as aforesaid, the collector of taxes for the said city of St. Catharines shall, in the collection of the said taxes so rated and levied for the year one thousand eight hundred and seventy-nine, have all the powers and rights, and shall proceed in the levying and collection of the said taxes, as ordinary collectors of taxes, pursuant to the provisions of the said Assessment Act of Ontario.

Powers of collector of taxes

5. Notwithstanding anything contained in this Act it shall be the duty of the council of said city and they are hereby required to appoint a court of revision in manner prescribed by the Assessment Act of Ontario not later than one month after the passing of this Act, of which due notice shall be given by the clerk of said city by advertisement for at least fourteen days continuously in some newspaper in said city, which shall be a sufficient notice to all parties concerned, for the purpose of hearing all complaints in regard to persons wrongfully placed upon or omitted from said assessment roll, or assessed too high or too low, and such court shall have all the powers of, and shall be conducted in the same manner as ordinary courts of revision in respect of appeals from said assessment roll, and any person complaining of an error or omission in said roll in regard to himself or any other person as having been inserted thereon or omitted therefrom or as being overcharged or undercharged, shall give to the clerk of said city notice in writing, at least four days before the sitting of said court of revision, of the cause of complaint, and the said court shall determine the matter complained of and confirm and amend the roll accordingly.

Court of revision to be appointed.

Powers of court.

Appeal from court of revision.

6. An appeal shall lie to the county judge against the decisions of the said court of revision and also against the omission, neglect or refusal of said court to hear and determine an appeal, and the person appealing shall notify the clerk of the said city in the same manner and within the same time as is prescribed by the Assessment Act of Ontario, and all proceedings shall be had and taken in respect of such appeals to the county judge as is in said Assessment Act directed, and the said judge shall hear and determine said appeals, and have all the powers conferred by said Act in respect of appeals to the county judge from ordinary assessments.

Time within which revision to be completed.

7. All the duties of the said court of revision, which relate to the matters aforesaid, shall be completed and the said assessment roll finally revised by the said county judge within two months next after the passing of this Act, and the said assessment roll as amended by the said court of revision and certified as amended by the clerk of said city shall, except in so far as the same may be further amended on appeal by the county judge, be valid and binding on all parties concerned notwithstanding any defect or error committed in or with regard to such roll; and the collector's roll made therefrom shall be amended in so far as the same shall be rendered necessary by the amendments of said assessment roll; and no proceeding shall be taken to enforce the collection of taxes levied under said assessment roll until after the sitting of the said court of revision and the revision of the said roll by the county judge, if any appeal in respect to the said roll be, under the provisions of this Act, made to the said judge.

Roll to be binding if no complaints made within time limited.

8. In case no complaints in writing as aforesaid are made or given as aforesaid to the said clerk of the said city within the time aforesaid, the said court of revision shall certify the same on the said assessment roll, and thereupon the said assessment roll shall stand confirmed in all respects and be valid and binding as provided by this Act.

Pending suits stayed on payment of costs.

9. All actions, suits or other proceedings now pending in any of the courts of this Province impeaching or affecting the validity of the said assessment roll and the said taxes levied thereunder for the year one thousand eight hundred and seventy-nine shall be stayed on the payment by the said corporation to the plaintiffs, in any such action, suit or proceeding, of the costs of the said action, suit or other proceeding in the said courts, such costs to be taxed by the proper taxing officer of the court in which the said action, suit or other proceeding may be pending.

CHAPTER 46.

An Act to incorporate the Village of Wiarton.

[Assented to 5th March, 1880.]

WHEREAS the inhabitants of the surveyed town plot of Preamble. Wiarton, at a public meeting, passed a resolution in favour of incorporating the said town plot as a village, and have by their petitions represented that such incorporation would promote its future progress and prosperity, and enable them to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the inhabitants of so much of the said town plot of Wiarton as is comprised within the boundaries hereinafter mentioned, shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Wiarton," apart from the township of Amabel, in the county of Bruce, and the township of Keppel, in the county of Grey, in which townships the said town plot is situated, and shall enjoy all such rights, powers, and privileges as are now, or shall hereafter be conferred upon incorporated villages in the Province of Ontario. Incorporation of the village of Wiarton.

2. The said village of Wiarton shall consist of that part of Boundaries. the town plot of Wiarton, as the same was laid out and surveyed by the old and new surveys, made by C. Rankin, Esquire, Provincial Land Surveyor, which is comprised within the boundaries following, that is to say:—Commencing at Colpoys's Bay, in the township of Keppel, in the county of Grey, at the north-east angle of park lot P, as the said lot is laid down in the said surveys and the maps thereof; thence south forty-six degrees ten minutes east, forty-six chains and fifteen links, more or less, to the north-east corner of park lot S, as said lot S is laid down on said surveys and maps; thence south two degrees east, six chains and forty-five links, more or less, to the centre of the road between the twenty-first and twenty-second concessions in said township of Keppel; thence south eighty-eight degrees west, along the centre of said road, ninety-five chains and thirty-five links, more or less, to the town-line between the counties of Grey and Bruce; thence across said town-line into the county of Bruce, south eighty-eight degrees west along and following the centre of said road to the south-west angle of lot number one in the second range of park

park lots as laid down on surveys and maps of said town plot; thence north two degrees west, along and following the westerly limit of the park lots in said second range to the centre of the road between concessions twenty-three and twenty-four in the township of Amabel; thence north eighty-eight degrees east, along and following said centre of said last mentioned road, to the town-line between the counties of Bruce and Grey; thence across said town-line into the township of Keppel, north eighty-eight degrees east, along and following the centre line of said last mentioned road, nineteen chains, more or less, to the waters of Colpoy's Bay; and thence southerly and easterly along and following the water's edge of Colpoy's Bay to the place of beginning, and including therein all water lots fronting on said Colpoy's Bay within the limits aforesaid.

First election
of reeve and
councillors.

3. Immediately after the passing of this Act it shall be lawful for James Grier, Esquire, of the said village, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve, and four councillors, at the Agricultural Hall, in the said village, at the hour of noon; and he shall give not less than one week's notice thereof by at least six bills posted up in conspicuous places in the said village, and by publication in some newspaper (if any) published within the said village, and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification
of electors and
officers.

4. At the said first election the qualification of the electors and of the reeve and councillors for the said village, shall be the same as that required in townships; and at all subsequent elections the qualification of electors, and of the reeve, councillors, and other officers, shall be the same as that required in incorporated villages.

Township
clerks to fur-
nish copies of
rolls.

5. The township clerks of Amabel and Keppel respectively shall furnish the said returning officer, upon demand made upon them for the same, with a certified copy of so much of the last revised assessment rolls for the said townships respectively as may be required to ascertain the names of the persons entitled to vote at such first election, or with the collector's roll, or with any document, writing or statement, that may be required for that purpose.

First meeting
of Council.

6. The reeve and councillors so to be elected shall hold their first meeting at the said Agricultural Hall, at the hour of noon,
on

on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

7. Except as otherwise provided by this Act, the provisions of "The Municipal Act" and of all other general Acts respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and other provisions of the said Acts applicable to incorporated villages, shall apply to the village of Wiarton in the same manner as they would have been applicable had the said village of Wiarton been incorporated under the provisions of the said Acts. Acts respecting municipal institutions to apply

8. The said village of Wiarton shall, for all municipal, judicial, electoral and school purposes, and also for the purpose of registration of titles affecting lands, belong to and form part of the county of Bruce. The village of Wiarton to form part of the county of Bruce.

9. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk of the said village, or other officers of the said village, or otherwise, shall be borne by the said village, and paid by it to any party that may be entitled thereto. Expense of Act.

CHAPTER 47.

An Act respecting Waterworks for the Town of Wingham.

[Assented to 5th March, 1880.]

WHEREAS the construction of waterworks and a supply of water would conduce to the comfort of the inhabitants of the Town of Wingham, and afford means for the better protection from fire of property therein; and whereas the council of the corporation of the Town of Wingham, with the consent of the municipal electors thereof previously obtained on the thirtieth day of September, one thousand eight hundred and seventy-nine, finally passed by-law, No. 8, 1879, intituled "A By-law to authorize the corporation of the Town of Wingham to raise the sum of eight thousand dollars for the purpose of constructing waterworks in the Town of Wingham;" and whereas the said by-law has been acted upon by the letting of contracts for the construction of waterworks in the said Town of Wingham; and whereas doubts have arisen as to the validity of the said by-law, and of the debentures to be issued under and by virtue thereof; and whereas the council of the corporation of the Town of Wingham have, by petition, asked to be authorized to

Preamble
to

to construct, have, and manage, as to them may seem meet, certain waterworks for said Town, and that the said by-law may be legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law declared valid.

1. By-law No. 8, 1879, passed on the thirtieth day of September, one thousand eight hundred and seventy-nine, by the corporation of the Town of Wingham, intituled "A By-law to authorize the corporation of the Town of Wingham to raise the sum of eight thousand dollars for the purpose of constructing waterworks in the Town of Wingham," and the debentures to be issued thereunder, and all acts done and contracts entered or to be entered into in pursuance thereof, are hereby legalized and declared valid and binding on the municipal council and the corporation and the inhabitants and ratepayers of the said Town of Wingham, notwithstanding any irregularity in the passing of the said by-law or preliminary to the passing thereof.

Corporation of Wingham may construct waterworks.

2. The corporation of the Town of Wingham may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct waterworks and all buildings, materials, machinery and appurtenances therewith connected or necessary thereto in the Town of Wingham and parts adjacent as hereinafter provided, and shall have all the powers necessary to enable them to build the waterworks hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Powers of corporation.

3. The said corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase, at the option of the said corporation, such lands and buildings, waters and privileges as in their opinion may, during the construction or at any future time, be necessary to enable them to fulfil their duties under this Act.

Power to enter on lands,

4. It shall and may be lawful for the said corporation, their agents, servants and workmen, from time to time and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Wingham or within five miles of the said Town, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said waterworks, also to divert and appropriate any river, ponds of water, springs, or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof.

appropriate streams, &c., contract, &c.

thereof or of any part thereof, or of any privilege that may be required for the purpose of the said waterworks at the option of the said corporation; and in case of any disagreement between the said corporation and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation will cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the said corporation shall appoint one, the owner or owners or other person interested shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the County Court of the County of Huron shall, on application by either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, idiot, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his or her behalf, or shall neglect to make such appointment for two weeks after notice to be served on him or her by the said corporation, or in case such lands or water privileges be mortgaged or pledged to any person or persons, the Judge of the said County Court, on application being made to him for that purpose by the corporation, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed, as hereinbefore mentioned, shall award, determine, adjudge, and order the respective sums of money which the said corporation shall pay to the respective persons entitled to receive the same; and the said arbitrators shall, and they are hereby required to attend at some convenient place, at or in the vicinity of the said Town, to be appointed by the said corporation, after eight days' notice given for that purpose by the said corporation, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall, before entering on his said duties, be sworn before some one of Her Majesty's Justices of the Peace in and for the said County of Huron, well and truly to assess the value or damages between the parties to the best of his judgment, and the Justice of the Peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect: Provided always that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time agreed upon or the

Arbitration.

Case of infant owners, &c.

Proviso.

the date of the award or determination of any motion to amend or annul the same, as the case may be, or in case of renting instead of purchasing, the rental so agreed upon or awarded, shall be paid on the respective days and times so agreed upon or fixed in the said award as the days and times for payment of the rental thereof, or after the date of the award or determination of any motion to amend or annul the same, whichever event shall last happen, and in default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive; and the award of the majority of the said arbitrators in writing shall be binding on all parties concerned, subject as aforesaid:

Proviso in case of infancy, &c., payment into court.

Provided also, that in case the person to whom the said damages shall be awarded shall be an infant, or an idiot, lunatic, or insane person, or absent from the Province, or shall refuse to accept the amount so awarded, it shall be lawful for the said corporation to pay the same with interest to the committee of such person under any of the said disabilities, or to pay the same with interest into the Court of Chancery to the credit of such person, and such payment shall be a sufficient payment of the amount of the said award by the said corporation; and any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the said person may be; or if any person so required to be served is absent from the Province, or cannot be found, by publishing the same for such time in the *Ontario Gazette* and in one paper published in the county in which the said lands lie as may be ordered by said last-mentioned court or a judge thereof.

Mode of serving notice on infants, absentees, &c.

Lands, privileges, and works vested in the corporation of Wingham.

5. The lands, privileges, and water, which shall be ascertained, set out, or appropriated by the said corporation, for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the Town of Wingham and their successors, except where the lands, privileges, or water, are rented, in which case the term and possession shall be as agreed upon by the respective parties, or as awarded by the said arbitrators, subject, however, to the corporation having power at the end of the term of such lease to again rent or purchase at the option of the said corporation, but at a rental or price to be ascertained and determined as aforesaid; and it shall and may be lawful for the said corporation and their successors to construct, erect, and maintain, in and upon the said lands, all such reservoirs, waterworks, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers, or ponds, or waters, from which the same are procured and the said Town of Wingham, by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said corporation and their successors and servants, are hereby empowered

powered to enter and pass upon and over the said grounds, roads, highways, railways and lands, intermediate as aforesaid, and the same to cut and dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the ways, railways, and roads within five miles of the Town of Wingham, and in, through, over, and under the public highways, streets, lanes, railways or other passages within the said Town of Wingham, and in, upon, through, over, and under the lands, grounds and premises of any person or persons, bodies corporate, politic, or collegiate or any lands of the Crown, within the said Town of Wingham, and to set out, ascertain, use, and occupy such part or parts thereof as they, the said corporation, or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the Town of Wingham, or for the uses of the corporation of the said Town, or of the proprietors or occupiers of the land through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said corporation, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid; and all such waterworks, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the Town of Wingham.

6. All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the said corporation who shall be solely responsible for keeping the same in repair :—

(a) In all cases where a vacant space intervenes between the outer line of street and the wall of the building or other place into which the water is to be taken, the said corporation may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf;

(b) The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired by the said corporation (except the repairing of the service pipes from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation), or of superintending the laying or repairing of the same if laid

or

or repaired by any other person, shall be payable by the said owner on demand to said corporation, or if not so paid, may be collected forthwith in the same manner as water-rates; provided that in any one case the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, shall not exceed one dollar.

Service pipes
to be under
control of the
corporation.

7. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the said corporation, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the said corporation; in default of so doing, whether notified or not, the said corporation may enter upon the said lands where such service pipes are, and by their officers, servants, or agents repair the same, and charge the same to the owner of the premises, as hereinbefore provided; the stopcock placed by the said corporation inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

Taps.

8. All parties supplied with water by the said corporation may be required to place only such taps for drawing and shutting off the water as may be approved of by the said corporation.

Inspection of
service pipes
and repair.

9. It shall be lawful for the said corporation and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, and to place meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, to set or alter the position of the same or of any pipe, connection or tap, and to fix the price to be paid for the use of any such meter, and the times when, and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations, and such price and the expense of such alterations may be collected in the same manner as water-rates.

Meters.

Costs of altera-
tion.

Power to regu-
late use of
water.

10. The said corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payments; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change

change at their discretion, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings.

11. Such sum payable by the owner or occupant of any house, tenement, lot, or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Act to be collected in the same manner as water rates, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Rates to be a lien on property.

12. The said corporation shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water-works, officers, and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times when, and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default of payment to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found in the Town of Wingham, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the Division Courts Acts: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises as hereinbefore provided, and in the event of any such rate uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the amount of such rate so in arrears shall be returned by the collectors to the treasurer of the Town of Wingham annually, on or before the eighth day of April, in each and every year, and the same together with interest at the rate of ten per centum per annum thereon, shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

Power to make and enforce by-laws for management, &c., of works.

Proviso.

13. The said corporation shall have power to employ the town collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify their duties, and to fix their compensation; and all such persons shall hold their offices at the pleasure of the said corporation, or as they shall determine by by-law in that behalf, and shall give such security as the corporation shall from

Power to employ collectors, assessors, &c.

from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the assessors and collectors of the Town of Wingham may by law possess and enjoy.

Protection in
exercise of
office.

14. The said corporation and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties as Justices of the Peace now have under the laws of this Province; and the watchmen and other officers of the corporation, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of officers of the peace.

Power of
officers.

Non-liability
for breakage
or stoppage.

15. The corporation of the Town of Wingham shall not be liable for damages caused by the breaking of any service pipes or attachment, or for any shutting off of any water to repair mains or to tap the mains: Provided reasonable notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Property
exempt from
execution.

16. All materials procured or partly procured under contract with the corporation, and upon which the said corporation shall have made advances in accordance with such contract, shall be exempt from execution.

Property
exempt from
taxation.

17. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining, or belonging to the water works, shall be from henceforth exempt from taxation, unless the corporation of the Town of Wingham by by-law shall direct that they shall be liable to taxation.

Limitation of
actions.

18. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next, after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Authority to
supply water
outside of
Town.

19. The said corporation shall have power and authority to supply any corporation, person or persons with water, although not resident within, but not more than five miles without, the Town of Wingham, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of, as within the Town of Wingham, and they may also, from time to time, make and carry out any agreement which they may deem expedient, for the supply of water to any Railway Company or manufactory.

Sale of prop-
erty when no
longer re-
quired.

20. The said corporation may dispose of any real or personal property acquired by them for water works purposes when
no

no longer required, and until sold, demise and lease the same. The said property when sold shall be free from any charge, mortgage, or lien created by this Act; the proceeds arising from such sale to be added to and form part of the fund for the redemption and payment of debentures, as hereinafter mentioned, or should no such debentures then exist, then the said proceeds shall form part of the general funds of the said corporation, and may be applied accordingly.

21. No member of the council of the corporation of the Town of Wingham shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of said corporation by reason of his being a taker or consumer of water supplied by the said corporation, or by reason of any dealing or contract with the corporation of the Town of Wingham, with reference to the supply of water to such person.

Councillor not to hold any contract.

Taking water not to disqualify for council.

22. All persons and corporations whomsoever, who shall by themselves, their servants or agents, by act, default, neglect, or omission, occasion any loss, damage, or injury to the water-works, or any plant, machinery, fitting, part, or appurtenances thereof, shall be liable to the said corporation of the Town of Wingham, for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the corporation of the Town of Wingham in any court of competent jurisdiction.

Persons doing damage liable.

23. It shall and may be lawful for the corporation of the Town of Wingham, and they are hereby empowered and authorized, to make such by-laws as to them shall seem requisite and necessary for prohibiting, by fine, not exceeding twenty dollars, for waterworks purposes, in default of payment to be levied of the goods and chattels of the offender by distress and sale, and in event of there not being sufficient distress to satisfy the said penalty and costs, by imprisonment, not exceeding twenty-one days, or by imprisonment in the first instance, for any term not exceeding one calendar month (the amount of such fine and the duration of the imprisonment, and also the option between fine and imprisonment with or without hard labour being always in the discretion of the Justice of the Peace before whom any proceedings may be taken for enforcement thereof), any person, being tenant, occupant, or inmate of any house, building, or other place supplied with water from the said water-works, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other, than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said corporation, or from wrongfully neglecting or improperly

Power to make by-laws prohibiting wrongful use of water and to regulate supply.

improperly wasting the water; as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine; for issuing to the inhabitants of the Town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

Prohibitions.

24. If any person shall do or commit any of the following acts:

Interference with works.

(a) Shall wilfully or maliciously hinder or interrupt, or cause, or procure to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained;

Wasting water.

(b) Shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless, out of the said works;

Interference with hydrants, &c.

(c) Not being in the employment of the said corporation, and not being a member of the fire brigade, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, chamber, or hydrant-chamber, by placing on it any building-material, rubbish, or otherwise;

Fouling water.

(d) Shall throw or deposit any injurious, noisome, or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done;

Alteration of meters or water register.

(e) Unless specially authorized by the said corporation for that particular purpose and occasion, shall wilfully alter any meter of the said waterworks placed upon any service pipe or connected therewith, within or without any house, building, or other place, so as to lessen or alter the amount of water registered thereby, so as to cause the quantity registered or used to be falsely indicated;

Drawing off water.

(f) Shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said waterworks, or in any way obtain or use any water thereof, without the consent of the said corporation of the Town of Wingham;

Bathing, &c.

(g) Shall bathe, or wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the said waterworks is obtained, not being the north branch of the River Maitland, or shall convey, or cast, or throw, or put any filth, dirt, dead carcase, or other noisome or offensive things therein or within the distance as above set forth, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed

veyed

veyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled ;

And such person, upon the oath or affirmation of at least one ^{Penalty.} credible witness, be convicted of any such act before a Justice of the Peace having jurisdiction within the locality within which the offence shall be committed, he shall, for every such offence, forfeit and pay a sum, not exceeding twenty dollars nor less than one dollar, together with the costs and charges attending the proceedings and conviction, or be imprisoned in the county gaol for the County of Huron for any term not exceeding thirty days, the amount of such fine as well as the duration of imprisonment and also the option between fine and imprisonment with or without hard labour being always in the discretion of the Justices of the Peace before whom any proceedings may be taken for enforcement thereof.

25. For the recovery of penalties in money under this Act, ^{Enforcing penalty.} and legal costs, upon default of payment of the penalty or fine inflicted forthwith after conviction, it shall be lawful for any Justice as aforesaid to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person convicted, and in case no sufficient distress is found to satisfy said conviction, it shall be lawful for such Justice to order that the person or persons so convicted be imprisoned in the gaol for the County of Huron for any period not exceeding thirty days, unless the penalty and all costs are sooner paid.

26. The penalties in money under this Act, or any portion ^{Application of penalties.} of them which may be recovered, shall be paid to the convicting Justice, and by him paid one half to the treasurer of the corporation of Town of Wingham, to form part and be applied in and towards the reduction of the waterworks debt and payment of the debentures issued for the same, or should no such debentures then exist then to form part of the general funds of the said corporation and be applied accordingly, the other half to him or her who shall lay the information, and in case the party suing for the same shall be the servant or officer of the corporation, then the whole of the said penalty shall be applied to the use of the corporation for the purposes aforesaid.

27. In case of a continuing offence against the provisions ^{Continuing offence.} of section twenty-four of this Act, each time the offence or act prohibited shall be done, and each day or part of a day, night or part of a night the continuing offence shall remain, shall be considered a separate offence and punishable accordingly.

28. The debentures authorized by the said by-law and this ^{Debentures.} Act may be made payable either in sterling or currency in this Province, Great Britain or elsewhere : ^{Proviso.} Provided that no sterling debenture shall be for less than twenty pounds ; and for the purposes authorized by this Act, the corporation of the said Town

Town of Wingham shall have power to issue debentures of the said Town, to be called waterworks debentures, for an additional sum of money not exceeding fifty thousand dollars of lawful money of Canada, in such sums and payable with interest, in manner aforesaid and in the said by-law contained; and the said corporation of the Town of Wingham shall raise, levy and collect in each year upon all the ratable property in the said Town, during the continuance of the said debentures, or any of them, an equal and special rate for the purpose of paying the annual instalments and the interest of the said last named debentures, or for the purpose of providing a sinking fund for the payment of the same: Provided always that all the provisions of the Municipal Act and amendments thereto as to by-laws for raising on the credit of the municipality money not required for its ordinary expenditure and not payable within the same municipal year, shall apply to any by-law for raising, upon the credit of the said municipality, any portion of the said fifty thousand dollars, such provisions being those which require and relate to the assent of the electors and otherwise.

Proviso.

Application
of proceeds of
debentures
and fines.

29. The proceeds of such debentures and all fines or parts of fines and penalties that under the provisions of this Act or under any by-law made under section twenty-three of this Act are to be applied for the purposes therein referred to, shall be kept separate from any other funds of the said Town, and the same shall only be paid out on the order of the council of the Town of Wingham as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act and for the payment of interest accruing due on the said debentures; and after the redemption of the said debentures, all moneys so paid into this fund shall form part of the general funds of the corporation of the Town of Wingham: Provided always that nothing herein contained shall prevent the said corporation, should they deem it advisable so to do, from paying the contractor or contractors or others, in said debentures, either at par or at such rate of discount as the said corporation shall, in their judgment, deem advisable, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Wingham.

Proviso.

Works liable
for moneys
borrowed.

30. The said waterworks to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, or hypothec or privilege

on.

on the said lands, waterworks and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

31. After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said waterworks to be acquired by the said corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of the said waterworks, subject however to the provisions contained in section twenty of this Act, form part of the general funds of the corporation and may be applied accordingly. Application of revenues.

32. No irregularity in the passing of the by-law mentioned in section one of this Act, or in the forms of the said debentures authorized by this Act in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them or any part thereof. Irregularity not to invalidate the debentures.

33. The said waterworks shall be constructed, completed and finished, except as to the laying of additional pipes and mains, within five years from the passing of this Act. Works to be finished in three years.

CHAPTER 48.

An Act to amend and more accurately define the boundaries of the Town of Woodstock.

[Assented to 5th March, 1880.]

WHEREAS the municipal council of the corporation of the town of Woodstock have, by their petition, represented that by virtue of an Order in Council of the late Province of Canada, a proclamation bearing date in the year of our Lord one thousand eight hundred and fifty, was issued, wherein it was declared that the town of Woodstock should consist of all that part of the said Province situate in the county of Oxford, and lying within the following limits, that is to say: Commencing on the northerly limit of Dundas street at a point where a post has been planted at the south-west angle of lot number eighteen, in the first concession of the township of Blandford; thence, in a northerly direction along the westerly boundary of the said lot to the allowance for road between the first and second concessions of the said township of Blandford; thence, continuing the same course, to the northerly limit Preamble.

limit of the said road allowance; thence westerly, along the said northern limit, to the River Thames; thence, in continuation of the last-mentioned course, across the said river to the water's edge on the westerly bank thereof; thence, along the water's edge of the River Thames, on the westerly bank thereof, to a point opposite the southerly bank of Cedar Creek; thence, across the said River Thames, to the water's edge on the southerly bank of Cedar Creek; thence, along the water's edge of Cedar Creek, on the southerly side thereof, to the eastern limit of the allowance for road between lot number twenty-one in the first concession of the township of East Oxford and the Gore between East and West Oxford; thence southerly, along the said eastern limit to the southern limit of the allowance for road between the first and second concessions of the said township of East Oxford; thence easterly, along the said southern limit, to a point opposite to the centre of lot number eighteen in the first concession of the said township; thence, on a line equidistant from the eastern and western side lines of said lot number eighteen, on a course about north fifteen degrees forty minutes west, to Dundas street; thence, continuing the same course, to the northern limit of Dundas street; and thence westerly, along the northern limit of Dundas street, to the place of beginning;

And whereas the petitioners have prayed that the said limits of the town of Woodstock may be altered and amended in the manner hereinafter set forth, whereby certain inconveniences attending the arrangement of the present limits would be removed and remedied; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Boundaries of
town de-
scribed.

1. Notwithstanding anything contained in the proclamation in the preamble to this Act mentioned, the following description of the limits and boundaries of the said town of Woodstock shall, from and after the passing of this Act, be the limits and boundaries of the said town of Woodstock, that is to say: Commencing at a point where a post has been planted at the south-west angle of lot number eighteen in the first concession of the township of Blandford; thence, in a northerly direction, along the western boundary of the said lot to the southern boundary of the allowance for road between the first and second concessions of the said township of Blandford, otherwise now the allowance for road between the said town of Woodstock and the said township of Blandford; thence westerly, along the said southerly limit to the River Thames, on the easterly bank thereof; thence, along the water's edge of the said easterly bank, with the stream, to a point where the said water's edge of the River Thames would intersect the water's edge of Cedar Creek on the northerly bank thereof; thence, along the water's edge of said creek, on the northerly bank thereof, up the stream

to

to the eastern limit of the allowance for road between lot number twenty-one in the first concession of the township of East Oxford and the Gore between East and West Oxford, now the allowance for road between the said town of Woodstock and the said Gore ; thence southerly, along the said eastern limit to the northern limit of the allowance for road between the first and second concessions of the said township of East Oxford, now the allowance for road between the said town of Woodstock and the said township of East Oxford ; thence easterly along the said northern limit of the said allowance for road to a point opposite to the centre of lot number eighteen in the first concession of the said township ; thence, on a line equidistant from the eastern and western side-lines of the said lot number eighteen, on a course about north fifteen degrees forty minutes west, to Dundas street ; thence, continuing the same course, to the northern limit of Dundas street ; and thence westerly, along the northern limit of Dundas street, to the place of beginning.

CHAPTER 49.

An Act to incorporate the Bayfield and South Huron Railway Company.

[Assented to 5th March, 1880.]

WHEREAS it is deemed necessary and expedient that a Preamble.
 Railway should be constructed from some point in the incorporated Village of Bayfield to the Town of Clinton, in the County of Huron, or some other point on the Grand Trunk Railway ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Robert Morrison, Tudor J. Marks, Robert Barker, John Incorporation.
 Morgan, Paul Cleve, Richard Stanbury, William W. Connor, Andrew Rutledge, James Thompson, John Esson, of Bayfield, and Malcolm C. Cameron, of Goderich, together with such other persons and corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name and style of “The Bayfield and South Huron Railway Company.”

2. The said company shall have full power and authority to Location of
 lay out, construct and complete an iron railway from the Vil-line.
 lage of Bayfield to the Town of Clinton, in the County of Huron, or some other point on the Grand Trunk Railway with full

full power to pass over any portion of the country between the points aforesaid.

Provisional
Directors and
their powers.

3. The said Robert Morrison, Tudor J. Marks, Robert Barker, John Morgan, Paul Cleve, Richard Stanbury, William W. Connor, Andrew Rutledge, James Thompson, John Esson and Malcolm C. Cameron, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions or bonuses for the undertaking, to make calls upon the subscribers, to cause plans and surveys to be made and executed, and as hereinafter provided to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary directors.

Capital.

4. The capital stock of the company hereby incorporated shall be one hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into shares of fifty dollars each, which amounts shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized, and all the remainder of such money shall be applied to purchasing the right of way, to the equipment and completion of the said railway, and the other purposes of the Act, and to no other purpose whatever.

Aid from Mu-
nicipalities.

5. It shall be lawful for any municipality or municipalities through any part of which or near which the railway or works of said company shall pass or be situated to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; provided always that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose to be passed in conformity with the provisions of the act respecting municipal institutions for the creation of debts, and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property.

Proviso.

Petitions for
aid by Muni-
cipality.

6. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do
petition

petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for the purpose, and stating the amount which they so desire to give and grant and to be assessed for, the council of such municipality shall pass a by-law :

(1) For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years or earlier, and for the payment to the said company of the amount of said bonus or donation at the time and on the terms specified in the said petition :

(2) For assessing and levying upon all the ratable property lying within the section defined by the said petitioners an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively, provided the said by-law shall be approved of, as provided in the Municipal Act for the creation of debts, by the majority of qualified electors in the portion of the municipality petitioning as aforesaid. Proviso.

7. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six weeks after passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees for debentures.
Proviso.

8. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount Trusts of debentures.

amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Bayfield and South Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "A" hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Validity of
acts of two
trustees.

9. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Meeting for
election of
directors.

10. So soon as twenty thousand dollars of the capital stock shall have been subscribed as aforesaid and twenty per centum paid thereon, and deposited in one of the chartered banks in the County of Huron for the purpose of said company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of the said company.

Notice of
meeting.

11. The notice of the time and place of holding such general meeting shall be given by publication in one paper published in the County of Huron and in the *Ontario Gazette*, once in each week for the space of one month.

Business of
meeting.

12. At such general meeting the subscribers for the capital stock assembled who shall have so paid up twenty per centum thereof with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification
of directors.

13. No person shall be qualified to be elected as such director by the shareholders unless he represent at least ten shares in the company and unless all calls thereon have been paid.

Ex-officio
directors.

14. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock or granting bonuses an *ex-officio* director in said company, should the amount of aid granted by said municipality be sufficient in the discretion of said directors to entitle the said municipality to a representative
on

on said board of directors, and said representative shall be entitled to vote.

15. In the election of directors under this Act and in the ^{Votes.} transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares upon which all calls have been paid up at the time of such meeting.

16. At all meetings of the board of directors, whether of ^{Quorum.} provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

17. The directors may at any time call upon the share- ^{Calls.} holders for such instalments upon each share which they or any of them may hold in the capital stock of said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit.

18. Conveyances of lands to the said company for the pur- ^{Form of con-} pose of this Act may be made in the form set out in the ^{veyances.} Schedule B hereunder written or to the like effect, and such conveyance shall be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

19. The gauge of the said railway shall be four feet eight ^{Gauge.} and one-half inches.

20. It shall be lawful for the said company to enter into ^{Agreements} any agreement with any other railway company duly ^{with other} authorized in that behalf, for selling, leasing, or hiring this ^{Railways.} road or any part thereof, or for buying, leasing, or hiring from such other company any railway or part thereof, or any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other company for the amalgamation or use by one or the other or by both companies of the railway, or moveable property of either or of both, or any part thereof, or for any service to be rendered by the one company to the other, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof, and in case of sale or lease any company, duly authorized as aforesaid, buying or leasing the same shall be and is hereby empowered to exercise all the rights

Proviso. rights and privileges in this charter conferred; provided always that before any such agreement for the sale, lease, hiring, or amalgamation as aforesaid shall be binding, it shall be ratified by a vote of at least two-thirds of all the stockholders legally entitled to vote; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Power to acquire lands.

21. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient, and may also make use of for the purpose of the said railway the water of any stream or watercourse over or near which the said railway passes, doing however no damage thereto and not impairing the usefulness of such stream or watercourse.

Commencement and completion of Railway.

22. The said railway shall be commenced within two years, and completed within seven years after the passing of this Act, or else all rights and privileges conferred upon the said company by this Act shall be forfeited.

SCHEDULE "A."

(Section 8.)

Chief Engineer's Certificate.

The Bayfield and South Huron Railway Company's Office,
Engineer's Department, No. , A.D., 188 .

Certificate to be attached to cheques drawn on the Bayfield and South Huron Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer for the Bayfield and South Huron Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

SCHEDULE

SCHEDULE "B."

(Section 18.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of dollars paid to me (or us) by the Bayfield and South Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land, (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Bayfield and South Huron Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands, as witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }

(L. S.)

CHAPTER 50.

An Act respecting the construction of a Branch of the Belleville and North Hastings Railway to the Village of Tweed.

[Assented to 5th March, 1880.]

WHEREAS the Corporation of the Township of Hungerford Preamble.
desire to have a branch line of Railway constructed from some point on the line of the Belleville and North Hastings Railway to the village of Tweed in said Township; and whereas the said Corporation by their petition have prayed that they may be granted power to enter into arrangements with the Belleville and North Hastings Railway Company for the construction of said branch and for the working of said line; and whereas the said Corporation, by their said petition have also prayed for power to construct the said branch, and prepare the same for the rails, the said Belleville and North Hastings Railway Company agreeing to provide the rails and complete and work the Railway, or for power to make such

such agreement in the premises as may be necessary to accomplish the purpose in view; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation of
Hungerford
authorized to
survey and
grade line.

Proviso.

1. It shall be lawful for the corporation of the Township of Hungerford to cause to be surveyed a branch line of railway from some point in the Village of Tweed, to some point on the line of the Belleville and North Hastings Railway, and to grade and fit the same in all respects for the rails: Provided however, that the whole amount to be expended by said Corporation, shall not exceed the sum granted by way of bonus by said corporation towards the construction of said branch railway.

Corporation
a authorized to
agree with the
B. & N. H.
Ry. for per-
formance of
said work.

2. It shall be lawful for the said Corporation to enter into arrangements with the Belleville and North Hastings Railway Company, for the doing of the said work, paying them the said sum towards the completion of the said branch, and for the working of the said branch in such manner and on such terms and conditions as may be agreed upon; and the said Railway Company is hereby authorized to enter into such agreement, and to do all acts and things necessary to give the same effect.

Powers as to
taking land.

3. If the lands required for the said branch are obtained by the said Township Corporation, or by the said Belleville and North Hastings Railway Company, in each and every such case, or whichever way it shall be, the party doing the work and working the said branch shall have all the powers and be subject to all the liabilities contained in the Railway Act of Ontario, for all purposes connected therewith.

Time for giv-
ing bond.

4. The bond which it is stipulated in the by-law granting aid to said branch shall be given as in said by-law mentioned, may be given at any time before the expiration of one year from the passing of this Act.

By-law of
Township of
Hungerford
confirmed.

5. The by-law of the Corporation of the Township of Hungerford, entitled "A By-law to provide for aiding and assisting the building of a branch line of railway from the Village of Tweed, in the Township of Hungerford, to some point on the line of the Belleville and North Hastings Railway, by granting thereto the sum of ten thousand dollars, by way of bonus, in debentures of the Township of Hungerford, and to authorize the levying of a special rate for the payment of the said debentures and interest," is hereby declared to be legal and valid to all intents and purposes whatsoever.

Extension of

6. The Township Council of said Township may have power

power from time to time to extend the time mentioned in said by-law for the commencement and completion of said branch as they may think proper. time limited
in By-law.

CHAPTER 51.

An Act to incorporate the Cobden and Opeongo Railway Company.

[Assented to 5th March, 1880.]

WHEREAS the construction of a railway from a point at, Preamble.
or near, or within the Village of Cobden, on the line of the Canada Central Railway Company, in the county of Renfrew to the village of Eganville, in the said county, and thence through the Opeongo District to intersect the Toronto and Ottawa Railway, has become desirable for the development of the resources of that portion of the Province of Ontario, to be traversed by the said railway, and the public convenience and accommodation of the inhabitants of said portion of said Province, and would be of general benefit and advantage to said Province; and whereas it is expedient to incorporate a company to construct said railway;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James Worthington, Duncan McIntyre, William Cassels, Incorporation.
William Houden and James C. Worthington, all of the city of Montreal, in the Province of Quebec; Thomas Murray, William Murray, William Moffat and John H. Metcalf, all of the town of Pembroke, in the county of Renfrew; and James Bonfield, of the village of Eganville, in the said county of Renfrew, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the “Cobden and Opeongo Railway Company.”

2. The said company shall have full power under this Act Location of
line.
to construct and operate a railway from a point at or near or within the village of Cobden, on the line of the Canada Central Railway, in the county of Renfrew, to the village of Eganville, in the said county, and thence through the Opeongo District to intersect the Toronto and Ottawa Railway, at some point on the said railway, with full power to pass over any portion of the country between the points aforesaid and to construct the said railway in sections.

Gauge.

3. The gauge of the said railway shall not be less than four feet eight and one-half inches.

Form of conveyances to company.

4. Conveyances of land to the said company, for the purposes of said railway, under the powers given by this Act, made in the form set out in schedule "A" hereto annexed, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Provisional directors.

Powers of provisional directors.

5. The said James Worthington, Duncan McIntyre, William Cassels, William Houden, James C. Worthington, Thomas Murray, William Murray, William Moffatt, John H. Metcalf and James Bonfield, shall be provisional directors of the said company, and the said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and pending such election to cause surveys and plans to be made and executed, and to commence and proceed with the building, construction, and equipment of the said railway, and with all such other powers as under the Railway Act, and any other law in force in Ontario, are vested in such boards.

Capital.

6. The capital of the company, hereby incorporated, shall be five hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised, shall be applied in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall hereafter, if such municipality

municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

7. On the subscription for shares of the said capital stock each subscriber shall within ten days thereafter, pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company. Ten per cent. to be paid down on subscription.

8. Thereafter calls may be made by the directors, for the time being, as they shall see fit; provided that no call shall be made at any time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than three months, and upon giving four weeks' notice in the manner hereinafter provided. Calls.

9. The said provisional directors or the elected directors, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant or rolling stock, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments allowed in stock or bonds.

10. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the town of Brockville in the county of Leeds and Province of Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company. Election of directors.

11. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five thousand dollars of the capital stock, and who have paid up all calls thereon. Proviso, if provisional directors neglect to call meeting.

12. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, Notice of meeting. and

and in one local newspaper, once in each week for the space of at least four weeks, and such meeting shall be held at the town of Brockville aforesaid, at such place therein and on such day as may be named in such notice ; at such general meeting the subscribers for such capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make and pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meeting.

13. Thereafter on the first Wednesday in July, in each and every year, the general annual meeting of the shareholders of the said company shall be held at the principal office of the company, at the said town of Brockville, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper, once in each week for four weeks.

Special meetings.

14. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

Votes.

15. Every shareholder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him ; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting.

Qualification of directors.

16. No person shall be qualified to be elected a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

17. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors, and the said board of directors may employ one of their number as paid director.

Aid by government and others.

18. The said company may receive from any government, or from any persons or bodies corporate, municipal, or politic, that may have power to make or grant the same, aid towards
the

the construction, equipment or maintenance of the said railway.

19. Aliens and companies incorporated abroad, as well as Aliens. British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in said company.

20. Any municipality or any portion of a township Aid from municipalities. municipality, which may be interested in the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall Proviso. be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

21. Such by-laws shall be submitted by the municipal Provisions as to bonus by-laws. council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

22. In case of aid from a county municipality fifty resident Provisions for referring to arbitration disputes as to bonus by-laws. freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law

by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Deposit for expenses.

23. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor Municipality," meaning of.

24. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

25. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

Proviso.

By-law, what to contain.

26. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special

special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

27. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same,

28. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. and issue debentures.

29. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein. Exemption from, or agreement as to taxes.

30. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus. Extension of time for completion.

31. The councils for all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year. Extension of time for commencement. Proviso.

32. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six weeks after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor Trustees of debentures.

Proviso.

in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Fees to Trustees.

33. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Act of two Trustees binding.

Trusts of debentures.

34. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Cobden and Opeongo Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the schedule B hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Exchange of debentures.

35. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

36. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipalities
authorized to
grant land.

37. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the undertaking and the real property of the company including its rolling stock and equipment then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro-rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such bonds, debentures or other securities so made payable to bearer may sue at law thereon in his own name.

Issue of bonds

Proviso.

Proviso.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the treasurer and secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the

Negotiable
instruments.

Proviso

the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary and treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Acquiring
stone, gravel,
etc.

39. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land, in addition to the roadway, from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required, and in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Tracks to
quarries, etc.

40. When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding or track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) In estimating the damages for the taking of gravel, earth, stone

stone or sand sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

41. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section. Power to acquire whole lots.

42. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any person or corporation whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established by arbitration in the manner provided by law in respect to such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences. Proviso.

43. The said company shall at all times receive and carry cordwood or any wood for fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and one-half cents per mile per cord from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile. Rates for carriage of cordwood.

44. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, ores, minerals and sawed lumber to as large an extent as in the case of other freight carried over the said railway. Company to furnish facilities for traffic in cordwood, &c.

45. Cordwood or wood for fuel, cut before the first day of March in any year, shall be deemed for the purposes of this Act, dry wood by the first of October following, and not before. Dry wood defined.

46. The company shall have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream near to or touched by the railway, or any of its branches, for the purpose of traffic in connection with the railway or any of its branches. Power to navigate streams.

47. Any municipal council of a municipality which has Council entitled given

ed to appoint a director on certain conditions.

given a bonus in aid of the said railway or its branches amounting to not less than five thousand dollars, shall be entitled during the construction of the railway, but not afterwards, to appoint a person annually to be a director of the company, and such person shall be a director of the company in addition to all the other directors authorized by this Act, or the general Railway Act, or any other Act; but such municipality shall incur no liability by the appointment of such director.

Commencement and completion of road.

48. The railway shall be commenced within five years and completed within ten years, or else the charter shall be forfeited as regards so much of the railway as is not completed.

Power to make running arrangements with other roads.

49. The said company shall have power to make running arrangements with the Canada Central Railway Company, if such company is duly authorized in that behalf, the Toronto and Ottawa Railway Company, or any other railway company duly authorized in that behalf upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act.

Power to sell or lease.

50. It shall be lawful for the said company to enter into an agreement with any other company duly authorized in that behalf, for the absolute sale to them, or for the leasing to them of the said Cobden and Opeongo Railway, or any part thereof, or for the use thereof, at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic, for or with such other company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity according to the terms and tenor thereof, and such or any other company accepting any conveyance or lease, in pursuance of any such agreement, shall have, and is hereby empowered to exercise, all the rights and privileges conferred by this Act, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

SCHEDULE A.

(Section 4.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us) by the Cobden and Opeongo Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Cobden and Opeongo Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of one thousand eight hundred

and eighty

Signed, sealed and delivered }
in presence of }

(L.S.)

SCHEDULE B.

*(Section 34.)**Chief Engineer's Certificate.*

Cobden and Opeongo Railway Company's Office, Engineer's
Department.

No.

Certificate to be attached to cheques drawn on the Cobden and Opeongo Railway Company Municipal Trust Account, given under section of chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, Chief Engineer for
the Cobden and Opeongo Railway Company do hereby certify
that the said company has fulfilled the terms and conditions
necessary to be fulfilled under the by-law number of the
of (or under the agreement dated the
day

day of _____ between the corporation of _____
 and the said company to
 entitle the said company to receive from the said trust the
 sum of _____ [here set out the terms and conditions,
 if any, that have been fulfilled.]

CHAPTER 52.

An Act to amend the Acts relating to the Credit Valley Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Credit Valley Railway Company have petitioned that an Act may be passed confirming certain debentures issued by the town of Orangeville in aid of the said railway company, and for certain other purposes; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Orangeville;
by-law confirmed.

1. The by-law passed by the town of Orangeville granting a bonus to the said company of fifteen thousand dollars, and the debentures issued or to be issued under the authority thereof, are hereby declared to be legal and binding.

Sale of certain
property free
from any lien.

2. And whereas the said company have recently purchased and received a conveyance of a certain property situated in the township of York in the county of York, which property has been and now is occupied as an hotel, and is known as "The Wilson House," be it enacted that the said company are hereby authorized and empowered to sell and convey the said property, free from any debenture, lien or charge; and the said property, when so sold and conveyed, shall be freed and discharged from any lien or charge created by any bond or debenture made or issued by the said company.

Power to issue
bonds.

3. The said railway company are hereby empowered to issue bonds or debentures upon the actual mileage of the said railway from Toronto to the town of St. Thomas, on the main line, and from Streetsville to Orangeville and Elora, on the branch lines, at the rate of twelve thousand dollars per mile, anything contained in any Order in Council or statute to the contrary notwithstanding.

Exchange of
new bonds for
old.

4. For the purpose of enabling the present bondholders of the said company to exchange the bonds now held by them for

for new bonds, the directors of the said company may, from time to time, make and issue new bonds to such an amount as may be necessary for such exchange, and of such denominations and payable at such time, and at such place or places, and bearing such rate of interest as to the said directors shall seem meet, and may deliver such new bonds to such bondholders as shall consent to make such exchange, and the said company shall cease to be liable upon the bonds so delivered in exchange to the said company; Provided always, that the powers herein contained shall not be exercised by the said directors until the said directors shall have been duly authorized by resolution or by-law passed at a general meeting of the shareholders of the said company, to exercise the said powers; nor until a notice of the time and place of holding such meeting shall have been published, at least, two weeks in the *Ontario Gazette*, and in some newspaper published in the city of Toronto, for the same period; Provided, further, that the powers hereby granted shall only be exercised once; Provided, further, that in no case shall the total bond issue of the said company exceed twelve thousand dollars per mile of railway. Proviso.

CHAPTER 53.

An Act to amend an Act respecting the Georgian Bay and Wellington Railway Company.

[Assented to 5th March, 1880.]

WHEREAS the Georgian Bay and Wellington Railway Company have petitioned that an Act may be passed to amend the Act relating to the said company, passed in the forty-second year of Her Majesty's reign and chaptered fifty-six, and to confirm certain by-laws granting aid to the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section four of the said Act is hereby amended by striking out all after the word "company" in the thirteenth line thereof; and all of the by-laws enumerated in the said section, together with all debentures and coupons now issued under any of them, or that shall be hereafter issued thereunder, are declared to be legal, valid and binding upon the respective corporations, and the ratepayers thereof absolutely. Sec. 4 of 42 Vic., c. 56, amended, and by-laws confirmed.

Alteration in terms of by-law of township of Derby authorized.

2. The said company is hereby empowered to locate the second of the flag stations mentioned in clause (c) of the by-law of the township of Derby referred to in the said fourth section of the said Act, upon the concession line between the fourth and fifth concessions of the said township, but within one-half a mile of the said gravel road, and upon the said company notifying the council of the said township of its intention to exercise such power, and entering into a bond with such council providing for the permanent maintenance of such flag station at the place so selected, all of the said clause (c) after the word "Sullivan" therein shall be considered to be complied with for all purposes whatever.

CHAPTER 54.

An Act respecting the Grand Junction Railway Company.

[Assented to 5th March, 1880.]

Preamble

WHEREAS the Grand Junction Railway Company have petitioned that an Act may be passed to amend the Acts relating to the said company, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township of Seymour authorized to change debentures already issued for new ones.

1. The corporation of the township of Seymour may substitute for the debentures already issued for the sum of thirty-five thousand dollars and interest under and in pursuance of the by-law of the said corporation passed in aid of the said railway, other debentures to be made payable on the first day of January, one thousand eight hundred and eighty-one, and the eighteen following years, with interest annually on the said days for the several sums of principal money, with the yearly interest thereon, shown by the schedule to this Act, being for the balance of the said sum of thirty-five thousand dollars now remaining unpaid; and the reeve and treasurer of the said township are hereby authorized to make and deliver to the trustees for the municipal debentures appointed under the provisions of the Act incorporating the said company, or to the said company, or to the holders of the said debentures already issued, such new debentures as aforesaid in substitution for the said debentures already issued, which shall thereupon be surrendered and cancelled, and such new debentures to be so issued as aforesaid shall be legal, valid and binding on the said corporation as if issued and made payable according to the terms of

of the said by-law, and the agreement heretofore entered into between the said corporation and the said railway company and E. O. Bickford and the Bank of Montreal, who are now the holders of and entitled to the said debentures, for such exchange of debentures and the substitution of such new debentures is hereby declared valid and binding on all the parties thereto.

2. The time for the completion of the said railway to a point of junction with the Midland Railway of Canada at or near the village of Omemee or in the township of Emily, or to such other point as may be authorized by the existing charter of the said company, is hereby extended to the first day of May, one thousand eight hundred and eighty-four, and the said the Grand Junction Railway Company is hereby authorized to build and construct their said railway from the village of Hastings to such point of junction, and to the terminus of the said road, on such line or by such route as they may deem expedient, and to acquire by purchase, or lease, or to use by agreement for running powers, or by way of traffic arrangement, any part of the track, line, buildings, or works of any existing railway, legally authorized to enter into such an agreement, which the company owning the same may by agreement, conveyance, or lease, sell, lease, transfer, or grant the use of, to the said the Grand Junction Railway Company; and every such company so legally authorized is hereby empowered to enter into and make any such conveyance, lease, or agreement to or with the said the Grand Junction Railway Company; Provided always that the same shall be sanctioned, ratified and approved of by at least two-thirds in value and a majority of the stockholders of such company entitled to vote at a meeting of stockholders specially called for that purpose, and thereupon any such conveyance, lease, or agreement shall be legal and valid, and on the completion of the said the Grand Junction Railway to the town of Peterborough on or before the first day of June, one thousand eight hundred and eighty-one, by the use of any such existing railway for part of its line, any municipal bonus made payable on the completion to Peterborough shall become due and payable to the said the Grand Junction Railway Company in the same manner as if the said company had constructed their line to the said town within the time heretofore fixed for the completion thereof by any statute or by-law relating thereto; Provided further, and it is hereby enacted, that the Grand Junction Railway shall, between Hastings and Peterborough, be constructed on the line now surveyed, as near as can be, but with the right to the Grand Junction Railway Company for their railway to acquire from the Cobourg, Peterborough and Marmora Railway and Mining Company part of the portion of their line north of Rice Lake and next Peterborough, either by purchase of the fee simple or by lease in perpetuity

Time extended.

Location of line.

Agreements with other companies.

Proviso.

Payment of bonus.

Proviso.

perpetuity at a nominal rent, and the said Cobourg, Peterborough and Marmora Railway and Mining Company are hereby authorized to grant said lease or sell said portion of their line, which may be so acquired as aforesaid; and further, that the twenty-five thousand dollars of the bonus of fifty thousand dollars, granted by the City of Belleville by by-law number three hundred and sixty-nine, and which is payable on the construction and completion of the Grand Junction Railway to Peterborough, on the line above mentioned, in accordance with the terms and provisions of said by-law number three hundred and sixty-nine, shall not be payable unless and until the said Grand Junction Railway is completed by the first day of June, eighteen hundred and eighty-one, on said line, and in accordance with all the requirements of said by-law, except as to time for completion and payment of bonus, and all questions as to such compliance shall be determined as in the said by-law is provided.

Power to transfer to other companies.

3. The said the Grand Junction Railway Company is hereby authorized and empowered to sell, transfer, or lease its line of railway, or any part thereof, to any other railway company, legally authorized to make such purchase or enter into such agreement, together with the property, privileges and franchises belonging to it or to such part of its line as may be so sold, transferred, or leased, or to make any traffic, running, or joint working arrangements with any such railway company on such terms and conditions as may be defined by the agreement under the seal of the companies entering into such agreement which shall be ratified and approved of by a majority in number and at least two-thirds in value of the stockholders in the said the Grand Junction Railway Company present or represented at a general meeting called for the purpose of considering such agreement.

Issue of bonds.

4. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary or treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, or paying for the construction of the said railway, or paying any mortgage or other liabilities of the said company, and such bonds shall, without registration or formal conveyance, be taken and considered to be preferential claims and charges upon the said undertaking and the real property of the said company, including its rolling stock and equipments then existing and at any time thereafter acquired, subject only to two existing mortgages made by the said company to Wentworth James Buchanan and E. O. Bickford and others, respectively, and each holder of the said

said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; and Provided also that in the event at any time of the interest Proviso. upon the said bonds remaining unpaid and owing then at the next ensuing annual general meeting of the said company, all holders of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and Proviso. any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and all such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

5. Nothing in this Act shall affect the rights of the said Certain rights not affected. railway company or of the county of Peterborough now in question in a certain proceeding pending between the said parties in the Court of Queen's Bench for Ontario or the rights therein in question which shall be determined as if this Act had not been passed; nor shall anything in this Act contained affect the conditions or provisions in the by-law of the corporation of the county of Peterborough granting aid by way of bonus to the said railway company.

6. No interest is or shall be payable on the debentures issued Interest on debentures of village of Stirling. by the corporation of the village of Stirling, for the bonus granted by said corporation to the Grand Junction Railway Company, which accrued before the half-year's interest current on the 14th day of February, 1879, and upon payment of the half-year's interest current at said date, and which accrued thereafter according to the tenor and effect of said debentures, no prior interest shall be due or payable in respect of said debentures, and the said debentures so issued for said bonus are hereby declared legal and valid, and the powers conferred by this Act shall not be exercised until the said company shall have made or procured and delivered to the said corporation an effectual release and discharge from the payment of the interest which by this section the said corporation is declared not to be liable to pay in respect of the said bonus or the debentures issued therefor.

SCHEDULE

Referred to in Section 1.

| | | | |
|--|------|----|-------|
| Debenture for \$850 payable 1st January, 1881. | | | |
| Do | 900 | do | 1882. |
| Do | 950 | do | 1883. |
| Do | 1000 | do | 1884. |
| Do | 1050 | do | 1885. |
| Do | 1150 | do | 1886. |
| Do | 1200 | do | 1887. |
| Do | 1250 | do | 1888. |
| Do | 1350 | do | 1889. |
| Do | 1400 | do | 1890. |
| Do | 1500 | do | 1891. |
| Do | 1600 | do | 1892. |
| Do | 1700 | do | 1893. |
| Do | 1800 | do | 1894. |
| Do | 1900 | do | 1895. |
| Do | 2000 | do | 1896. |
| Do | 2150 | do | 1897. |
| Do | 2250 | do | 1898. |
| Do | 2350 | do | 1899. |

\$28,350

With coupons for interest yearly on each of the said sums.

CHAPTER 55.

An Act to incorporate the Grand Ontario Central Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS, the construction of a Railway from the Town of Goderich to the City of Ottawa is a work of Provincial importance as a second and direct outlet to the seaboard for the produce of this Province; and, whereas, it is expedient that such Railway should be constructed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. H. Y. Attrell, Malcolm Colin Cameron, M.P., Horace Horton, Joseph Williams, Christopher C. Crabb, Francis Jordan, J. W. Scott, D. D. Hay, M.P.P., D. D. Campbell, J. E.

E. Tamblyn, M.D., Benjamin Wilson, John Leckie, Patrick Kelly, Matthew Ronan, George P. Hughes, William McDermott, Thomas Phillips, William Henry Hammell, William Train, David Alanson Jones, William Noble Whiteside, M.B., I. J. Gould, George Wheler, Ira G. Crosby, A. T. Button, Joseph Bigelow, Jacob Lemon Whiteside, LL.B., William Kane, Matthew Brandon, William Henry Hunter, James J. Pearson, W. H. Ashworth, E. B. Man, Faulkner C. Stewart, Wm. Parsons, Joseph Patullo, E. Major, M. Currie, Edward A. Colquhoun, George A. Noland, Christopher Cook, and John T. Conner, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the "Grand Name. Ontario Central Railway Company."

2. The company hereby incorporated and their agents or servants shall have full power and authority under this Act to Location of line. lay out, construct, and finish a double or single steel railway from a point near or within the town of Goderich, and continuing the same through the counties of Huron, Perth, Wellington, and Dufferin, to Beeton, in the county of Simcoe, thence through the counties of Simcoe, York, Ontario, Durham, or Victoria, to the town of Peterborough, thence through the counties of Peterborough, Hastings, Addington, Frontenac, Lanark, and Carleton, to the city of Ottawa, and with power to construct the same in sections.

3. The capital of the company hereby incorporated shall be Capital. four hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into eight thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act: and until such preliminary expenses shall be paid out of the said capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

4. The persons named in the first section of this Act, with Provisional directors, power

power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers.

5. The said board of provisional directors shall have full power to open stock books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers and collect the same; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; and to receive any grant, loan, bonus or gift, made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and the said directors or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors (or board of elected directors) shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion shall best secure the building of the said railway.

First election of directors.

6. When and so soon as shares to the amount of forty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of the said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect not less than six nor more than twelve persons to be directors of the said company in manner and qualified as hereinafter described, which said directors, together with the *ex officio* directors, shall constitute a board of directors.

Whom may vote.

Application of moneys.

7. The sums so paid shall not be withdrawn from the bank, except for the purposes of this Act.

Calls.

8. The directors for the time being may from time to time make

make calls as they shall think fit, provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section six.

9. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. Payment of stock in full.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such places and on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper in each of the counties from which a bonus has been received. Annual meetings.

11. Special general meetings of the shareholders of the said company may be held at such places and times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special general meetings.

12. In the election of directors under this Act no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company upon which all calls have been paid up. Qualification of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Aliens.

14. At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business; and directors may at any meeting vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one or more of their number as paid directors. Quorum.

15. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus or loan of money, or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

Aid from municipalities.

16. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

Proviso.

Provisions as to bonus by-laws.

17. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

18. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom;

therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

19. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses.

20. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. "Minor municipality," meaning of.

21. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid. Proviso.

22. Such by-law shall in each instance provide:—

(1.) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

By-law, what to contain.

(2.) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

23. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same;

nd issue de-
bentures.

24. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law and otherwise act according to the terms thereof.

Exemption
from taxation.

25. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or, in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exchange of
debentures.

26. The corporation of any county municipality in which is situated a village, town, or township, or portion of a township, which has given a bonus to the said company, shall be at liberty to take the debentures issued by such village, town, or township, and, in exchange therefor, to hand over to the trustees under the said act debentures of the said county municipality to the same amount, on a resolution of the county council to that effect, and such county debentures are hereby declared to be binding on the said county.

Trustees of
Debentures.

27. Whenever any municipality, or portion of a township municipality, shall grant aid, by way of bonus or gift, to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso,

Trusts of
debentures.

28. The said trustees shall receive the said debentures or bonds,

bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Grand Ontario Central Railway Municipal Trust Account," and to pay the same out to the said company, from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the Schedule "A" hereto or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

29. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

30. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality. Municipalities empowered to grant lands.

31. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonuses. Extension of time for completion.

32. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, Issue of bonds.

pany, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed fifteen thousand dollars per mile of the said railway: Provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Promissory
notes, etc.

33. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or indorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Acquiring
lands.

34. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the required part only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell

sell and convey the same or parts thereof from time to time as they may deem expedient.

35. When stone, gravel or any other material is or are required for the construction or maintenance of said railway, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section, as to the obtaining material as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Compensation for stone, etc.

36. When said gravel, stone or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway. Sidings to gravel pits, etc.

(2). When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario, shall not apply.

37. The railway shall be commenced within three years and finally completed within seven years after the passing of this Act. Commencement and completion.

38. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, Agreements with other companies.

panies, lawfully authorized in that behalf, except the Grand Trunk Railway Company, for the working of the said railway or any part thereof, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies, their railway or any portion thereof, or for the purchase of the same or any part thereof or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company, so lawfully authorized, touching the use by one or the other or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies entering into agreement for using the said line, may and are hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Power to mortgage bonds.

39. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Transfer of shares.

40. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Form of conveyance.

41. Conveyances of land to the said company for the purpose of, and powers given by this Act, made in the form set out in the Schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the Registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

42. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

Power to build
warehouses,
etc.

43. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act.

Municipalities
may subscribe
for stock.

44. The said provisional directors, or the elected directors may pay or agree to pay in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, and any agreement so made shall be binding on the company.

Certain pay-
ments in
stock allowed.

45. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any telegraph lines constructed by the company.

Telegraph
lines.

46. The gauge of the said railway shall be four feet eight and one-half inches.

Gauge.

47. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

Extension of
time.

48. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference

Plans and book
of reference
for sections.

reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act and the amendments thereof applied to, included in, or incorporated with the Act, incorporating the said railway company and the amendments thereto, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified, and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to plans and surveys.

Snow fences.

49. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Cordwood rates.

50. The said railway company shall at all times receive and carry cordwood, or any wood for fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three-and-a-half cents per cord per mile from all stations under fifty miles, in full car-loads, and for green wood, at the rate of three cents per ton per mile.

Cordwood facilities.

51. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the case of other freight carried over the said railway.

Dry wood defined.

52. Cordwood, or wood for fuel, cut before the first day of March, in any year, shall be deemed, for the purposes of this Act, dry wood by the first of October following, and not before.

Traffic in tan bark.

53. The company shall at all times furnish every facility for the free traffic in tan bark, and shall carry it at the rate of three cents per ton per mile.

SCHEDULE "A."

(Section 28.)

Chief Engineer's Certificate.

The Grand Ontario Central Railway Company's Office, Engineer's Department, No. , A.D. 188 .

Certificate to be attached to cheques drawn on the Grand Ontario Central Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Grand Ontario Central Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

SCHEDULE "B."

(Section 41.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*] in consideration of dollars paid to me (or us) by the Grand Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of any other parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the lands*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Grand Ontario Central Railway Company, their successors and assigns, [*here insert any other clauses, covenants, or conditions required*] and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands, as witness my (or our) hand and seal (or hands and seals) this day of A.D. 18 .

Signed, sealed and delivered }
in presence of }

(L.S.)
CHAPTER

CHAPTER 56.

An Act to revive and amend the Act incorporating the Lambton Central Railway Company.

[Assented to 5th March, 1880.]

WHEREAS the Lambton Central Railway Company have represented that for the reasons stated in their petition they had not commenced the construction of the said railway, as required by the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered seventy-five, but that they were now prepared to proceed therewith; and have prayed that an Act may be passed reviving the Act incorporating the said company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Charter not forfeited by non-compliance with 39 Vic., c. 75, s. 46.

1. Notwithstanding anything in said Act contained, the non-compliance by the said company with the conditions of section forty-six of said Act shall not be considered as having caused any forfeiture of the charter of said company; and the said Act shall for all purposes be taken and held to have been from the passing thereof, and still to be, in full force and effect.

Commencement and completion of railway.

2. The railway shall be commenced within two years and completed within five years after the passing of this Act, or else the charter shall be forfeited, so far as relates to so much of the railway as may not then be completed.

Sec. 1 of 39 Vic., c. 75 amended.

3. The name Jacob L. Englehart shall be substituted in place of that of Joseph McDougall, now deceased, in the first paragraph of said bill.

CHAPTER 57.

An Act respecting the Midland Railway of Canada.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Midland Railway of Canada has petitioned the Legislature for certain amendments to its Act of incorporation, and all other Acts amending the same or affecting

ing the said Railway Company, by extending the main line or branches of the railway of the said company from or near Brechin, or the vicinity, through the Counties of Ontario, Victoria, Muskoka, Parry Sound and Nipissing to Lake Nipissing, or French River, and for certain other amendments, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Unless the context shall require a different interpretation of the words hereby interpreted in this Act, the words “the company” shall mean the Midland Railway of Canada, and the words “the railway” the railway of the Midland Railway Company. Interpretation.

2. The company is hereby empowered and authorized to construct and extend the railway or to construct a branch thereof, from some point on the main line at or between the village of Brechin and the village of Coldwater, to such point on Lake Nipissing or the French River, as may be found available for the business of the company, and for that purpose shall have and exercise all the powers conferred by their own charter and by the Railway Act of Ontario ; and the several clauses of the Railway Act of Ontario with respect to “interpretation,” “powers,” “plans and surveys,” “lands and their valuation,” shall be deemed to be part of this Act, and shall apply to the said company and the extension to be constructed by them. Power to “extend railway.”

3. All the provisions of the Act of Ontario, chapter forty-nine, passed in the forty-first year of Her Majesty’s reign, from section thirteen to section twenty-four inclusive, shall apply to the said company and the extension authorized by the second section as if expressly incorporated in this Act. 41 Vic., c. 49, ss. 13 to 24 to apply to company.

4. The fourth section of the Act relating to the Midland Railway of Canada, being chapter forty-nine of the statutes passed in the forty-first year of the reign of Her Majesty Queen Victoria, is hereby repealed, and the following enacted in lieu thereof :— 41 Vic., c. 49, s. 4 repealed, and new section substituted.

4. The said company may, with the consent of two-thirds in value of the said shareholders of the said company, and two-thirds in value of the holders of the said bonds to be issued under the preceding provisions of this Act, present or represented in person or by proxy, at a meeting specially called for that purpose, make and issue new preference first mortgage bonds for an amount not exceeding one hundred and fifty thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere as the company may think expedient, the principal of such bonds to be payable at such time as the company may think

think expedient, not exceeding thirty years from the date of the issue of such bonds, and the said bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half-yearly; and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens held by them before the passing of this Act, be taken and considered to be (subject to the provisions of section ten of this Act) the first preferential claims and charges upon the undertaking and the property of the company real and personal, and then existing, and at any time thereafter acquired, and all extension made or to be made thereof, and the franchises of the said company, and each holder of the said preference first mortgage bonds shall be deemed to be a mortgagee and encumbrancer, *pro rata*, with all the other holders thereof upon the aforesaid undertaking and property of the company, and all extensions thereof, and the franchises of the said company as aforesaid, in priority to all other charges and encumbrances including the bonds issued under the preceding sections of this Act, but subject to the rights of municipalities in respect of any liens as aforesaid: Provided always that any existing creditor of the company who has not been arranged with shall be entitled, if he so elects within ninety days after the passing of this Act, to receive from the company now existing mortgage bonds at par for his debt, or at his option the sum of twenty-two and one-half cents in cash in the dollar on his debt; and provided further that if any claim of any creditor is disputed by the company, and within ninety days from the passing of this Act, he notifies the company of his election to accept the said now existing bonds at par or twenty-two and a half cents in cash in the dollar, then upon recovery of final judgment against the company, such creditor is to be entitled to receive such bonds or twenty-two and a half cents as aforesaid for the amount thereof.

Proviso.

Proviso.

41 Vic., c. 49,
s. 7, amended

5. The seventh section of the said Act relating to the Midland Railway of Canada, chapter forty-nine aforesaid, is hereby amended by inserting after the words "Port Hope" in the eleventh, eighteenth and twenty-second lines of the said section the words "or at such other place or places in Great Britain as the directors of the company may deem expedient," and the said section shall read and be construed as if the said words were originally incorporated in the said section.

Time of annual
meeting.

6. The annual meeting of the shareholders and bondholders of the company for the election of directors shall hereafter be held on the third Tuesday in April in each year, and the present directors shall retain office until the third Tuesday in April of the year one thousand eight hundred and eighty-one.

41 Vic., c. 49,
s. 23, repealed.

7. The twenty-fifth section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and the following enacted in lieu thereof:—

25. The head office of the said Company shall be at the Town Head office. of Port Hope in Canada, and the property, affairs and concerns of the said company shall be managed and conducted at the said Town of Port Hope; but any special meeting of shareholders or bondholders of the company, called pursuant to this or any other statute relating to the Midland Railway of Canada, may be held at London, England, or at such place as the directors of the company may appoint: provided however that the annual meeting for the election of directors of the company shall be held at Port Hope.

8. The twenty-sixth section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and the following enacted in lieu thereof:— S. 26 repealed.

26. The seal of the company shall be kept at the head office in Port Hope, Canada, and the said company shall have a duplicate seal. to be used in the said United Kingdom as may be resolved upon by the directors of the said company and the said duplicate seal when used shall have the same force and effect as if the original were used.

9. The twenty-seventh section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby amended by striking out the word "three" in the third line thereof, and substituting the word "four" for the said word "three." S. 27 amended.

10. Section ten of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and in lieu thereof it is enacted as follows:— S. 10 repealed.

10. In the event of the issue of the bonds under this Act the earnings of the company, subject to the rights of the municipalities as hereinbefore preserved, and after payment of any balance now due for traffic received by the Midland Railway, and any debts now due in respect of any such balance, and after deduction of working expenses as hereafter defined, shall in each half year ending the first day of May and first day of November, commencing with the half year ending the first day of November, one thousand eight hundred and seventy-eight, be appropriated and applied in the order and manner following: Application of earnings of company.

(1) In payment ratably and *pari passu* of the interest for the time being on the said preference first mortgage bonds;

(2) In payment ratably and *pari passu* of the interest for the time being on the said other bonds;

(3) In payment of the existing debts against the said company not satisfied or arranged for;

(4) In payment of a dividend on the stock of the company.

CHAPTER 58.

An Act to amend the Acts incorporating the North Simcoe Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the directors of the North Simcoe Railway Company, under the sanction of the shareholders first obtained at a special general meeting held for that purpose, issued first mortgage bonds to the amount of two hundred thousand dollars, and second mortgage bonds to the amount of one hundred and thirty-three thousand, three hundred and thirty-three dollars, and executed two certain mortgages hereinafter mentioned, to secure the payment of said bonds respectively: and whereas the said North Simcoe Railway Company have by indenture of lease and agreement, dated the fourteenth of January, one thousand eight hundred and seventy-eight, leased their said line to the Northern Railway Company of Canada; and whereas the said North Simcoe Railway Company have by their petition prayed that the said respective issues of said bonds, the said respective mortgages and the said indenture of lease and agreement may be confirmed, and have further prayed for certain amendments of their charter: and whereas it is expedient to grant the prayer of said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lease of railway confirmed.

1. The indenture of lease and agreement dated the fourteenth day of January, one thousand eight hundred and seventy-eight, made between the North Simcoe Railway Company and the Northern Railway Company of Canada, set forth in the schedule hereinafter contained is hereby confirmed.

37 Vic., c. 54,
s. 46, repealed.

2. The forty-sixth section of the Act, chaptered fifty-four passed in the thirty-seventh year of Her Majesty's reign, is hereby repealed.

Certain bonds and mortgages confirmed.

3. The said issue of first mortgage bonds to the extent of two hundred thousand dollars is hereby confirmed, and the indenture of mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, made between the North Simcoe Railway Company of the first part, and John L. Blaikie, George D'Arcy Boulton, and William Hendrie, of the second part, set forth in the schedule hereinafter contained, securing the payment of the said issue of first mortgage bonds which are therein mentioned, is hereby confirmed; and the said issue of second mortgage bonds to the amount of one hundred and thirty-three thousand, three hundred and thirty three dollars.

lars is hereby confirmed; and the indenture of mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight, made between the said North Simcoe Railway Company of the first part, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, of the second part, set forth in the schedule hereinafter contained, and securing the payment of said issue of second mortgage bonds therein mentioned, is hereby confirmed, and the said first mortgage bonds as described in the said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, shall without registration or formal conveyance be taken and considered to be, and shall be, first and preferential claims and charges upon the said undertaking, and the property of the company, real and personal, then existing, or at any time thereafter or hereafter to be acquired, and upon the rent reserved under the said indenture of lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and upon all benefits and advantages to be derived by the North Simcoe Railway Company, their successors or assigns, under said last mentioned indenture, and upon any increased rental, (if such rental be increased) as contemplated by said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, and upon all the property, rights, matters and things described or embraced in said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, subject always to said lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight; and each holder of the said first mortgage bonds shall be deemed to be a mortgagee and encumbrancer, *pro rata* with all the other holders thereof upon the undertaking and the property of the company, rental, (increased rental if any), benefits and advantages, and other the premises described and embraced in said mortgage as aforesaid or intended so to be and provided also further, that Proviso. in the event at any time of the interest upon the said first mortgage bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of said first mortgage bonds shall have and possess the same rights, and privileges, and qualifications for directors, and for voting, as are attached to shareholders, *pro rata* according to amount; provided that the said first mortgage bonds and Proviso. any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof: and the said second mortgage bonds, as described in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight, subject only to such first mortgage bonds and mortgage given to secure the same, shall without registration or formal conveyance be taken and considered to be, and shall be second and preferential claims and charges upon the said undertaking, and the property of the

company, real and personal, then existing or at any time thereafter or hereafter to be acquired, and upon the rent reserved under the said indenture of lease and agreement, bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and upon all benefits and advantages to be derived under said last mentioned indenture by the said North Simcoe Railway Company, its successors or assigns, and upon all the property, rights, matters and things described or embraced in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight; and each holder of the said second mortgage bonds shall be deemed to be a mortgagee and encumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking, and the property of the company, rental, benefits and advantages, and other the premises described or embraced in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight, as aforesaid, subject always to said lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and to the said, the first mortgage bonds, and the said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight.

Provision for increased issue of first mortgage bonds.

4. It shall be lawful for the North Simcoe Railway Company, with the consent of all the holders of the said first and second mortgage bonds, to enter into an agreement with the Northern Railway Company of Canada to increase the issue of the said first mortgage bonds to such a sum as may be mutually agreed on, but not to exceed in the whole ten thousand dollars per mile for each mile of the said Company's railway, and such agreement shall provide for the payment of the interest agreed on upon the whole amount of the issue so agreed on, and in the event of such agreement for an increased issue being made as aforesaid the said second mortgage bonds shall be surrendered to the said North Simcoe Railway Company and shall be cancelled, and the said second Mortgage, bearing date the second day of October, one thousand eight hundred and seventy-eight, shall become utterly void, and it shall be lawful for the directors of the said North Simcoe Railway Company to pass a by-law calling in the existing issue of first mortgage bonds, and further providing that on the same being surrendered to the said Company a new issue of first mortgage bonds shall be made for such amount, and in such sums in Sterling or Currency, and payable at such place or places in England or in Canada, at such days, and times, and in such way and manner as may be provided in said agreement, and the said North Simcoe Railway Company shall have no power to borrow any money or issue any bonds in excess of the amount so agreed on. The agreement by this clause authorized may be made either by way of an addition to the terms of said Indenture bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, or in such other manner as the Companies may lawfully

lawfully agree upon, and the said bonds, for the increased amount, if issued, shall, without registration or formal conveyance, be taken and considered to be, and shall be first and preferential claims and charges upon the said undertaking, and the property of the Company, and all other matters and things mentioned in the third section hereof in the way and manner, and to the extent in said section set forth, and each holder thereof shall be entitled to all the rights thereby vested in holders of first mortgage bonds therein referred to, save only to the extent (if any) the same may be varied by the agreement authorized to be entered into by the terms of this section.

5. It shall be lawful for the North Simcoe Railway Company to enter into an agreement with the Northern Railway Company of Canada for amalgamation with the Northern Railway Company of Canada or for the sale of the North Simcoe Railway Company to the Northern Railway Company of Canada, upon such terms and conditions as to the Directors of the said North Simcoe Railway Company shall seem fit, but subject always to the lien and charge of the bonds confirmed by or lawfully issued under this Act and to the consent thereto of all the holders of said bonds, and all such agreements shall be valid and binding, according to the terms and tenor thereof: Provided that nothing herein contained shall be held to confer any authority upon the said Northern Railway Company of Canada to make or enter into such agreement.

Agreement for
amalgamation
or sale author-
ized.

Proviso.

6. No agreement authorized by the two next preceding sections, or either of them, shall be valid or take effect until it shall have been submitted to and received the approval of two thirds of the stock holders of the North Simcoe Railway Company, voting in person or by proxy at a meeting to be specially called for that purpose, and such approval by said two-thirds majority shall only require to be proved in the event of a poll being demanded at such meeting, and if such poll be not demanded then a declaration by the chairman that the resolution of approval by said two-thirds majority has been carried and an entry to that effect in the book of proceedings of the company shall be sufficient evidence of such approval without other proof of the number or proportion of votes given in favour of or against the same.

Agreements
subject to rati-
fication by
shareholders.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

1.—LEASE.

North Simcoe Railway Company to the Northern Railway Company of Canada.

This Indenture, made this fourteenth day of January in the year of our Lord one thousand eight hundred and seventy-eight,

eight, between the North Simcoe Railway Company, hereinafter called the lessors of the first part, and the Northern Railway Company of Canada, hereinafter called the lessees of the second part.

1. Whereas the North Simcoe Railway Company are authorized to construct a railway from the village of Penetanguishene to some point of junction with the Northern Railway of Canada at some point between Barrie and Angus;

2. And whereas some progress has been made in the construction of said railway;

3. And whereas the said lessors are authorized, among other things, by their charter, to enter into an agreement to lease unto the lessees their said railway, and such agreement is thereby declared to be valid and binding, and enforceable by courts of law and equity, according to the terms and tenor thereof;

4. And whereas it is the mutual interest of the said lessors and lessees to secure connections between the line of the said lessees and the projected line of the said lessors; And whereas to accelerate the construction and completion of the said projected line, and secure thereafter the efficient and profitable working thereof, the said lessees have agreed to enter into an agreement with the said lessors to lease and work their said road when completed, for twenty years, upon the terms and conditions hereinafter mentioned;

5. Witnesseth that the lessees and lessors, each for themselves, their successors and assigns respectively, covenant and agree with the other in manner following, that is to say:

6. The said lessors will forthwith by all reasonable means and resources within their power and control, build and complete their said line of railway from the village of Penetanguishene to a point of junction with the railway of the lessees, at or near Harrison's Crossings, including all station buildings, platforms, signals, switches, sidings, and other appurtenances necessary for the proper and efficient working of the trains and traffic, and all sufficient terminal and wharfage accommodation at Penetanguishene, to the extent, in the manner, and of the description set forth and described in a schedule and specification signed by the respective chief engineers of the lessors and lessees; and the said lessors will construct, complete and finish the said line of railway in a manner fit and proper to be worked by the lessees, and subject to the approval of the general manager of the said lessees for the time being, regard being had to the requirements of the schedule and specifications, and in the event of difference as to the standard of any of the above works, the same shall be referred to the chief engineer of the Government of Ontario for the time being.

7. The said lessors agree to lease to the said lessees the whole of the said railway from the said point of junction with the Northern Railway to the terminus thereof, on the waters of the village and harbour of Penetanguishene, and to place the said lessees in possession thereof when completed, and opened
and

and approved as aforesaid, for the period of twenty years, to commence and take effect when the same is so completed and opened and approved as aforesaid for traffic.

8. Yielding and paying therefor half-yearly to the said lessors during the said term, such sum or sums per annum as shall be equivalent to three hundred and sixty dollars per mile of main track, exclusive of sidings, calculated from the passenger terminus at Penetanguishene to the point of junction with the line of railway of the lessees. That in the event of thirty per cent. of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile per annum, then the deficiency shall be advanced by the said lessees, and the said lessees shall be entitled to retain such advances from time to time out of any surplus moneys thereafter coming to the said lessors hereunder, with interest thereon at the rate of six per cent. per annum until paid.

9. That in the event of such thirty per cent. of the gross receipts realizing at any time more than such three hundred and sixty dollars per mile then such increase shall be payable to the said lessors; but in the event, and whenever, and so long as the gross receipts of the line of the lessors shall realize or exceed a sum equivalent to sixteen hundred dollars per mile per annum then the lessees shall pay to the lessors a rental equivalent to thirty-five per cent. of such gross receipts. That if, at the expiration or other determination of this lease, any moneys whatever, whether for advances or otherwise, shall be due and unpaid by the lessors to the lessees, it shall be lawful for the lessees to retain possession of and work the said road until payment, or in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

10. The said lessors will indemnify and hold harmless the said lessees in regard to any claims connected with and arising out of the original construction of their line of railway, and of any act or default of the said lessors in relation thereto, and in the event of the said lessees being called upon to pay and discharge any such claims in settlement of right of way, severance, damage, flooding, road or farm crossings, or other demand, then all payments made by the lessees in respect thereof, shall be charged against the lessors, and the lessees shall be entitled to retain the amount so paid and advanced, out of any surplus moneys thereafter coming to the said lessors hereunder; and until such advances shall be repaid the said lessees shall be entitled to charge the said lessors, with interest thereupon at the rate of six per cent. per annum.

11. The said lessees having disbursed the sum of twenty-five hundred dollars in aid of the surveys, location and other preliminary services and expenses for and on account of the said lessors, it is hereby agreed that upon the completion of the said line, and only in that event, such advances be repaid to the said lessees, and until such advances shall be repaid, the
said

said lessees shall be entitled to charge the said lessors with interest thereupon, at the rate of six per cent. per annum, or in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

12. In the event of the lessors failing to construct and complete the said line of railway within three years from the date hereof, then this lease shall become void and of no effect; provided however, that any claim which the lessees may have against the lessors for moneys advanced shall be paid by and recoverable from the lessors.

13. The lessors agree not to make any demand upon the Corporation of the Township of Flos for the transfer of the debentures or the proceeds thereof, in payment of bonus, without the previous assent of the lessees in writing.

14. That no issue of the debentures or bonds upon the security of the said railway shall, unless with the consent of the said lessees, exceed in the whole a sum equivalent to six thousand dollars per mile of main line, exclusive of sidings.

15. In the event of the gross receipts being insufficient in any one year to pay the interest upon the said mortgage bonds, at the said rate of six thousand dollars per mile, the deficiency shall be advanced and paid by the said lessees, who shall be entitled to retain the amount so advanced out of any surplus moneys thereafter coming to the said lessors hereunder, and until such advances shall be repaid, the said lessees shall be entitled to charge the said lessors with interest thereupon, at the rate of six per cent. per annum.

16. In the event of the said lessees failing, for the period of one year from the date of payment herein provided, to pay to the said lessors the said rental of three hundred and sixty dollars per mile, or the proportion or per centage of gross earnings as in the nature of rental herein provided, or of being in arrear for one year in the payment of the said rental, the said lessors shall have the right to treat this lease as at an end, and may thereupon re-enter and resume possession and control of the said railway.

17. The said lessees agree to pay rent and taxes, and to maintain the said line of railway of the lessors, from the time of completion and transfer of possession thereof, during the whole of the said term in good order, and to deliver the same at the expiration of the said term to the said lessors in as good a plight and condition as the same shall be received by the said lessees at the commencement of the said term, reasonable wear and tear thereof excepted.

18. In the event of the said lessees constructing any new or additional works or improvements of a permanent character, or reconstructing the then existing works of the said road, upon a higher or more permanent standard than required by the original specifications, the said lessees shall be entitled, provided that the specifications for the same shall have been first approved, and the additional works sanctioned by the Board of Directors of the lessors, to charge the additional or extra amount so expended,

pending, as an advance of additional capital to the said lessors, which amount shall be ascertained at the close of each year, and thereafter the same shall bear interest at the rate of six per cent., and may be retained by the said lessees out of any moneys coming to the said lessors under this lease, after the payment of the interest upon the said mortgage bonds, and at the expiration or other sooner determination of this lease, shall be repaid to the said lessees who shall be entitled, until payment thereof, to retain possession of and work the said road, or, in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

19. In the event of the lessees requesting the sanction of the lessors to any new or additional works or improvements, upon the ground that the same are essential to the proper and more profitable working of the traffic of the line of the lessors; and shall prepare and present specifications and estimates for the same, and the lessors shall thereupon refuse or neglect to sanction the same, it shall be lawful for the lessees to appoint one indifferent person, who together with another to be appointed by the lessors, and together with a third to be chosen by them, shall decide whether the proposed works are essential to the proper and more profitable working of the traffic of the said lines; and whether the same, if constructed by the lessees, shall be chargeable against the lessors in manner hereinbefore mentioned.

20. The said lessees agree to provide a sufficient number of engines and cars for the use of the lessors for laying and ballasting the track, and such other engines and cars as may be required in the construction of the said line at a fair rental.

21. The said lessees do hereby agree and become bound to provide the necessary locomotive engines, cars, and other rolling equipment requisite for the proper and efficient working of the said railway so soon as the same shall have been completed, as before specified, and shall, during the continuance of this lease, daily work the said railway, and efficiently keep in order and maintain the same, and shall also keep open and maintain stations at such places as have been prescribed by the by-laws granting bonuses to the said lessors.

22. The said lessees shall have, during the continuance of this lease, entire control and management of the said railway hereby leased, as well in regard to the regulating and settling from time to time the amount and rate of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same; and also all other matters and things in any way touching or incident to the using, operating and working of the said railway, and the development of its traffic; and all the powers conferred to the said lessors by their act of incorporation, so far as the same can be transferred, or are applicable, are hereby assigned and transferred to the said lessees, and shall relate and extend to the working of the said railway during the term hereby granted; but the tariff for freight and passengers on the said railway of the

the lessors shall be relatively the same as that in operation from time to time over the railway of the lessees; the rates, nevertheless, from Penetanguishene to Toronto shall not exceed those between Collingwood and Toronto.

23. The directors and the chief officers of the lessors shall have free passes over the line of railway of the lessees until the lessees shall accept and enter upon the possession of the railway of the lessors, under the provisions of this lease.

24. The said lessees shall make and keep separate and accurate accounts, to be made out at the end of each half year, ending on the thirty-first day of December, and on the thirtieth day of June, and on the first days of the months of March and September in each year, and at such other convenient dates as may be mutually agreed upon by the parties hereto; the said lessors and lessees shall severally appoint an auditor to examine the same, who shall, if they deem it necessary, have free access to and liberty to investigate, inspect and take copies of the books and vouchers of the said lessees, at any station or office on either line so far as they relate to the traffic in this lease referred to, and in the event of any difference in the adjustments of such half-yearly accounts between the said two auditors, they shall appoint some third person as referee between them, and the decision of such referee shall be binding upon all parties, and in computing the earnings upon such traffic as may be common to both railways, the rate charged therefor shall be credited to each railway in proportion to the respective mileage of each railway over which the said rate may have been charged.

25. And it is also agreed between the parties hereto, that in case any dispute arises between them as to any of the matters or things in this indenture contained, the same shall be referred to the award or arbitrament of two disinterested persons, one of whom shall be appointed by each of the said parties, who shall jointly choose a third disinterested person to act as arbitrator, and the decision of such arbitrators shall be final and binding; and in case either of the said parties refuse or neglect to appoint an arbitrator within twenty days after notice in writing for that purpose may have been given to either of them, then the decision of the arbitrator of the party giving notice, shall be binding on both parties; and it is hereby agreed that in all cases hereinbefore provided for arbitration, the award of the arbitrators or the majority shall be binding.

As witness the seals of the said corporations the day and year first above written.

(Signed,)


J. SAURIN McMURRAY,
President N. S. R. Co.

(Signed,)

T. RICHARD FULLER,
Secretary-Treasurer N. S. Railway.

{ Seal
N.S.R.
Co. }

(Signed,)

| | | |
|-----------|--|---|
| (Signed,) | WILLIAM THOMPSON, <i>President.</i> |  |
| (Signed,) | WALTER TOWNSEND, <i>Secretary.</i> | |

2.—MORTGAGE TO SECURE FIRST MORTGAGE BONDS.

This indenture made the first day of October, one thousand eight hundred and seventy-eight, between the North Simcoe Railway Company, hereinafter called the "North Simcoe," of the first part, and John L. Blaikie, of Toronto, broker; George D'Arcy Boulton, of Toronto, barrister, and William Hendrie, of Hamilton, contractor, hereinafter called the trustees of the second part.

Whereas the North Simcoe have by indenture dated the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-eight, leased their line to the Northern Railway Company of Canada, and one of the terms of said lease is that bonds of the North Simcoe shall not be issued without the consent of the Northern Railway Company, to a greater extent than six thousand dollars per mile;

And whereas the North Simcoe have decided in exercise of their statutory powers to issue bonds to the extent of six thousand dollars per mile, for each mile of the North Simcoe Company's Railway, such bonds to be the first charge under their statutory powers, on all the property of said company, and upon the rental, or moneys to become payable under the said lease;

Provided always that such issue may be increased with the consent of the Northern Railway Company of Canada, under the provisions of said lease, to a sum not to exceed in all ten thousand dollars per mile, and in that event the said Northern Railway Company agreeing to pay and provide for the interest on the entire issue, according to the terms of said lease;

And whereas it has been agreed that these presents should be executed for the purpose of the better and more fully securing the payment of the said bonds so to be issued, and charging the payment thereof as a first charge upon all the property of the said company, and upon the said rental, or moneys to become payable under said lease;

And whereas it has been agreed that the said bonds so to be now issued, shall be negotiable bonds, to be numbered consecutively, and for the sum of two hundred thousand dollars, being at the rate of six thousand dollars per mile of railway, as aforesaid, the principal money of said bonds to fall due on the first day of October, eighteen hundred and ninety-eight, with interest payable half yearly in the meantime, at the rate of six per cent. per annum, payable half yearly, on the first day of April, and first day of October in each year, as hereinafter

more

more particularly provided, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, have consented to act as trustees, to whom these presents shall be made; all of which bonds are to be on an equality so far as regards the security therefor created by the said statutory powers, and these presents, and are to be made transferable by delivery, as if the same were notes of hand payable to bearer; and shall be payable in sums of one thousand dollars of lawful money of Canada, each on the first day of October, in the year of our Lord one thousand eight hundred and ninety-eight, and have interest coupons at the rate of six per cent. per annum attached, payable half-yearly;

The principal and interest of said Bonds to be payable at the Bank of Montreal, in Toronto, in lawful money of Canada. The said Bonds shall be numbered consecutively from one to two hundred, both inclusive, and shall be signed by the President, or Vice-President and Secretary of the said Company, and have a printed certificate on the back thereof, to be signed by the said Trustees, or by the survivor or survivors, of them or by their successor or successors, as mortgagees in trust, or any two of them certifying in substance that such Bond is one of the Bonds included in, and intended to be secured by this mortgage, and none of the Bonds are to be valid until such printed certificate thereon is so signed.

And Whereas the time from which the rental is payable under said lease is dependent upon the date on which the Railroad of the North Simcoe is completed, opened, and approved of for traffic as therein mentioned; it is therefore declared and agreed that notwithstanding anything herein contained that the said bonds shall only bear interest from the date from which the rental shall begin to run, and that if there shall be any issued less than half a year between the said date and that on which the next half year's coupon would otherwise fall due, such coupon shall be cut off, and the bondholder shall only receive interest for the broken period which shall elapse between the date from which rent shall begin to run, and the date on which the coupon for the then current half-year would otherwise mature.

Now, therefore, this indenture witnesseth that the said company in order to carry out the design aforesaid, and further to secure the payment of the bonds of said company, now to be issued at the rate of six thousand dollars per mile, or the issue of ten thousand dollars per mile, if the same shall be made in manner and form as hereinbefore contemplated, and the interest on said bonds, and in consideration of the premises and of one dollar to the said company in hand paid by the said Trustees, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, remised, released, aliened, and confirmed, and by these presents doth grant, bargain, sell, remise, release, alien, and confirm unto the said Trustees, their successors in this trust and their heirs and assigns as joint tenants, and not as tenants in common, all that yearly rent charge or annual

annual sum of three hundred and sixty dollars per mile, reserved in and by the said indenture of lease, together with the benefit of the provisions therein contained, that in the event of thirty per cent. of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile, per annum, then the deficiency shall be advanced by the lessees in said lease mentioned, upon the terms and conditions in the eighth section of the said lease mentioned, and all benefit that may accrue to the said lessee under the ninth section of the said lease, and all benefit and advantage of all and every the powers, covenants and remedies whatsoever reserved to or vested in the company, by or by virtue of the said recited indenture of lease, or otherwise howsoever, for recovering and receiving the same, together with all, and all manner of other rights, privileges, advantages, and appurtenances whatsoever to the said yearly rent or annual sum, belonging or in anywise appertaining, and all the estate, right, title, and interest, use, trust, property, possession, possibility, claim and demand, whatsoever, both at Law and in Equity, of the said company, in, to, out of, upon, or respecting the said yearly rent or annual sum, so payable to the said last mentioned company, and also the estate, right, title and interest of the company in the railway and undertaking, real and personal property, rights and franchises of the said company, subject to the aforesaid lease.

To have and to hold, receive, take, and enjoy, the said yearly rent charge or annual sum, hereditaments, powers, remedies and other, the premises hereinbefore granted, bargained and sold, or otherwise assured, or intended so to be, with their, and every of their rights, members, privileges, and appurtenances, unto the said Trustees, their heirs and assigns, but as joint tenants, and not as tenants in common, to and for the use and behoof of them, the said Trustees, their heirs and assigns, upon the trusts and conditions following, that is to say, to collect and receive the said rental or sum of three hundred and sixty dollars per mile, and therewith pay the interest, as the same falls due, provided further that if the said company shall make default in payment of the said coupons, or any of them, or the said bonds, or any of them, as the same become due according to the terms thereof, then the Trustees, or their successors in the trust hereby created for the time being, upon the written demand of the holder or holders of any of the said bonds, may proceed to enforce the trust by collecting the said rents so reserved, if any, over and above the said sum of three hundred and sixty dollars per mile, until out of the proceeds they shall have received enough to pay all sums whatever secured by these presents, and then due and payable, and no longer, and so often as any further or other default shall be made, it shall be lawful for the Trustees or their successors to proceed in like manner, and for the better enabling the said Trustees, their heirs and assigns, or the survivor of them, to receive the said rent and other moneys (if any shall become

become due) hereby assigned, the said company hath made, constituted and appointed, and by these presents doth make, constitute and appoint the said Trustees, the true, lawful, and proper attorneys of the said company; and in its name, but to and for the proper use and benefit of the said Trustees from time to time and at all times hereafter during the said term after such default, subject only to the proviso for redemption hereinafter contained, to ask, demand, sue for, recover and receive of and from the said The Northern Railway Company of Canada the said yearly rent and other the premises as and when the same shall arise or become payable, and upon non-payment thereof in the name and manner aforesaid or otherwise, as shall be necessary and proper, to commence and prosecute all such actions, suits and proceedings, and use, exercise and enforce all such powers, remedies, expedient, and legal, or equitable ways or means for compelling payment of, and recovering the same as the said company might, or could do, or had done, in case these presents had not been made.

And the said company doth hereby authorize and expressly direct the said Northern Railway Company of Canada and all and every other person or persons to whom it doth or shall belong to pay the said yearly rent or annual sum as and when the same shall arise and become payable and all other sums, if any, which may fall due under the said lease unto the said Trustees.

Provided always, and these presents are upon this express condition, that if the company shall well and truly pay or cause to be paid, all their said bonds to be issued as aforesaid, and the interest coupons thereto attached, upon presentment at maturity, then these presents shall cease and become utterly null and void, and the said real and personal property, rights, franchises of the North Simcoe Railway Company, and the said estates, rights and privileges herein granted and conveyed shall revert to and re-vest in the said company without any acknowledgement of satisfaction, release, quittance, reconveyance, re-entry, or other act or formality whatever.

And it is further provided that the said trustees, their successors or successor in said trust, shall only be accountable for reasonable diligence in the management thereof, and shall not be responsible for the acts of any agent employed by them when such agent is selected by them with fair discretion, and that said trustees, their successors or successor in said trust, shall be entitled to receive proper and reasonable compensation for all labours or duties performed in the discharge of said trust, in case they shall be compelled to take possession of said premises and collect the said rental or annual sum or any part thereof, or to enter upon the management of the same. And it is further provided by the parties hereto that in case of the death, mental incapacity or resignation of the said trustees, or either of them, or if they or either of them, shall cease to be residents of Ontario then the right, title or interest of the said trustee or trustees so dying, refusing, resigning, becoming incapable of acting, or removing, as aforesaid

aforesaid shall cease and determine and be divested, and the same right, title and interest for the purpose of this mortgage and for the carrying into effect the purposes of this trust herein created be vested in, revert to, and all and singular the trusts and duties herein imposed upon the said trustees, shall devolve upon some person or persons as shall be agreed upon by a majority of the bondholders and the company, or upon their failure or neglect within thirty days after any vacancy, to agree upon any suitable person or persons, then, upon such person or persons as may be appointed by the Judge of the County Court of the County of York, for the time being, upon the application of one-fourth of the then holders of the bonds, they giving to the company thirty days' notice of the pendency of such application, and making such application within sixty days from the occurrence of any vacancy, or upon the application of the company, after the expiring of said sixty days, to the said Judge, upon such person or persons as he may appoint, said company giving thirty days' notice of the pendency of such application by publication in a newspaper of general circulation in the city of Toronto, and the trustee or trustees so appointed shall become vested for the purposes aforesaid with all the real and personal property, franchises, right, title and interest herein conveyed to or vested in the said trustees subject to all the conditions and restrictions herein expressed without any further assurance or conveyance, and in the event of any further vacancy occurring in said trust during its existence, the same shall be filled in the manner last herein recited.

In testimony whereof the President of the said company hath hereunto set his hand and under and by virtue and in pursuance of a resolution of the Board of Directors of the said Company hath caused the corporate seal to be hereunto affixed the day and year first above written.

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| Signed sealed and delivered in presence of (Sd.) EDWARD MARTIN. | } (Sd.) EDMD. B. OSLER, <i>Presd.</i> (Sd.) LYNTHURST OGDEN, <i>Secretary,</i> | { Seal N.S.R. Co. } |
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| (Signed,) | JOHN L. BLAICKIE, | { L. S. } |
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| (Signed,) | G. D'ARCY BOULTON, | { L. S. } |
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| (Signed,) | WM. HENDRIE, | { L. S. } |
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3.—MORTGAGE TO SECURE SECOND MORTGAGE BONDS.

This indenture, made the second day of October, one thousand eight hundred and seventy-eight, between the North Simcoe Railway Company, hereinafter called the North Simcoe, of the first part, and John L. Blaikie, of Toronto, Broker, George D'Arcy Boulton, of Toronto, Barrister, and William Hendrie, of Hamilton, contractor, hereinafter called the Trustees, of the second part.

Whereas the North Simcoe have, by indenture dated the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-eight, leased their line to the Northern Railway Company of Canada, and one of the terms of said lease is that bonds of the North Simcoe shall not be issued without the consent of the Northern Railway Company to a greater extent than six thousand dollars per mile ;

And whereas the North Simcoe have decided to (in exercise of their statutory powers) issue bonds to the extent of six thousand dollars per mile for each mile of the North Simcoe Company's Railway, such bonds to be the first charge under the statutory power on all the property of said company, and upon the rental or moneys to become payable under the said lease ;

Provided always that such issue may be increased with the consent of the Northern Railway Company of Canada, under the provisions of said lease, to a sum not to exceed in all ten thousand dollars per mile, and in that event the said Northern Railway Company of Canada agreeing to pay and provide for the interest on the entire issue, according to the terms of said lease ;

And whereas the North Simcoe have, with the assent of the Northern Railway Company of Canada, issued bonds to the extent of six thousand dollars per mile, as contemplated by the said lease, which said bonds are hereinafter called the first mortgage bonds, and form a first charge upon the said North Simcoe, its real and personal property, franchises and rights, privileges and the rental now or hereafter to accrue under said lease, and the North Simcoe in order the more fully and effectually to secure the same, has executed a mortgage upon all and singular its said property, franchises, rights, privileges and the rental now or hereafter to accrue under said lease, which said mortgage is dated the first day of October in the year of our Lord one thousand eight hundred and seventy-eight, and made between the North Simcoe Railway Company, of the first part, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, as such trustees as aforesaid, of the second part ;

And

And whereas the North Simcoe requires to raise further moneys to complete the work of construction, and has decided to issue a further amount of bonds to the amount of (\$133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, which said bonds are hereinafter called the second mortgage bonds, and which shall form a second and subsequent lien on the said North Simcoe, its property, franchises, rights, privileges and the rental to accrue under said lease, subject always to the prior charge of the said bonds to the extent of six thousand dollars per mile already issued, and subject to the said mortgage of the first day of October, in the year of our Lord one thousand eight hundred and seventy-eight, given to secure the same;

Provided always that no issue of bonds to be secured under the said lease and agreement shall be made to a greater extent than the said first mortgage bonds of six thousand dollars per mile, until and unless the second mortgage bonds hereby secured and all interest thereon shall have been first paid and discharged in full;

And whereas it has been agreed that these presents should be executed for the purpose of the better and more fully securing the payment of the said second mortgage bonds so to be issued, and charging the payment thereof as a second charge upon all the property of the said company, and upon the said rental or moneys to become payable under said lease, subject always to the prior lien of the said first mortgage bonds and interest, to the extent of six thousand dollars per mile;

And whereas it has been agreed that the said second mortgage bonds so to be issued shall be negotiable bonds to the extent of four thousand dollars per mile of each mile of the North Simcoe Company's Railway, and amounting in all to the sum of (\$133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, the principal money of said bonds to fall due on the first day of October, one thousand eight hundred and ninety-eight, with interest payable half-yearly in the meantime at the rate of six per cent. per annum, payable half-yearly on the first days of April and October in each year, as hereinafter more particularly provided, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie have consented to act as trustees, to whom these presents shall be made, to secure the due payment of the said mortgage bonds and interest, all of which bonds are to be on an equality in point of security and otherwise, and are to be made transferable by delivery, as if the same were notes of hand payable to bearer, and shall be payable in sums of one thousand dollars, four hundred dollars, and three hundred and thirty-three dollars each respectively, on the first day of October eighteen hundred and ninety-eight, and have interest coupons at the rate of six per cent. per annum attached, payable half-yearly.

The principal and interest of said bonds to be payable at the
Bank

Bank of Montreal in Toronto, the said bonds shall be numbered consecutively from one to one hundred and forty-six, both inclusive, and shall be signed by the President or Vice-President and Secretary of the said company, and have a printed certificate on the back thereof to be signed by the said trustees or by the survivor or survivors of them, or by their successor or successors, as mortgagees in trust, or any two of them, certifying in substance that such bond is one of the bonds included in and intended to be secured by this mortgage, and none of the bonds are to be valid until such printed certificate thereon is so signed.

Now therefore this indenture witnesseth that the said company, in order to carry out the design aforesaid, and further to secure the payment of the said second mortgage bonds of said company, to the said amount of (\$133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, and the interest on said bonds as aforesaid, and in consideration of the premises and of one dollar to the said company in hand paid by the said trustees, the receipt whereof is hereby acknowledged, the said North Simcoe hath granted, bargained, sold, remised, released, aliened and confirmed, and by these presents doth grant, bargain, sell, remise, release, alien, and confirm unto the said trustees, their successors in this trust, and their heirs and assignees, as joint-tenants, and not as tenants in common, but subject always to the said first mortgage bonds and interest to the extent of six thousand dollars per mile, and to the said mortgage given to secure the same ;

All that yearly rent charge or annual sum of three hundred and sixty dollars per mile, together with the benefit of the proviso that in the event of thirty per cent of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile per annum, then the deficiency shall be advanced by the lessees in said lease mentioned, upon the terms and conditions in the eighth section of the said lease mentioned, and all benefit that may accrue to the said lessors under the ninth section of the said lease, and all benefit and advantage of all and every the powers, covenants and remedies whatsoever, reserved to or vested in the North Simcoe, by or by virtue of the said recited indenture of lease, or otherwise howsoever, for recovering and receiving the same, together with all and all manner of other rights, privileges, and advantages and appurtenances whatsoever to the said yearly rent or annual sum belonging or in anywise appertaining, and all the estate, right, title and interest, use, trust, property and possession, possibility, claim and demand whatsoever, both at law or in equity of the said company in, to, out of, upon or respecting the said yearly rent or annual sum so payable to the said last mentioned company, and also all the estate, right, title and interest of the company in the railway and undertaking, real and personal property, rights and franchises of the said Company, subject to the aforesaid lease ;

To have and to hold, receive, take and enjoy the said yearly rent charge or annual sum, hereditaments, powers, remedies and other the premises hereinbefore granted, bargained and sold (subject, however, to the said first mortgage bonds to the extent of six thousand dollars per mile and interest, and subject to the said mortgage given to secure the same), assured or intended so to be, with their and every of their rights, members, privileges and appurtenances, unto the said Trustees, their heirs and assigns, but as joint-tenants and not as tenants in common, to, and for the use and behoof of them, the said Trustees, their heirs and assigns, upon the trusts and conditions following: that is to say, to collect and receive the said rental or sum of three hundred and sixty dollars per mile, and other moneys to become payable under the said lease to the North Simcoe, or so much thereof as shall remain after paying or satisfying the claims thereon in respect of said first mortgage bonds, to the extent of six thousand dollars per mile, and interest, and the said mortgage given to secure the same, and therewith, so far as the same will extend, pay, as the same fall due, the coupons on the said second mortgage bonds and the principal thereof when the same shall fall due. Provided that if the said North Simcoe shall make default in payment of the said coupons, or any of them, or the said second mortgage bonds, or any of them, as the same become due, according to the terms thereof, then the Trustees or their successors in the trust hereby created, for the time being, upon the written demand of the holder or holders of any of the said bonds, may proceed to enforce the trust by collecting the said rent so reserved or so much thereof as may be available, as aforesaid until out of the proceeds they shall have received enough to pay all sums whatever secured by these presents, and then due and payable, and no longer, and so often as any further or other default shall be made, it shall be lawful for the Trustees or their successors, to proceed in like manner, and for the better enabling the said Trustees, their heirs and assigns, or the survivor of them, to receive the said rent and other moneys (if any shall become due), hereby assigned, the said company hath made, constituted and appointed, and by these presents doth make, constitute, and appoint the said Trustees, the true, lawful, and proper attorneys of the said company, and in its name, but to and for the proper use and benefit of the said Trustees, from time to time, and at all times hereafter, during the said term, after such default, subject only to the proviso for redemption hereinafter contained, to ask, demand, sue for, recover and receive, subject to the said claim of said first mortgage bonds, and interest as aforesaid, of and from the said, the Northern Railway Company of Canada, the said yearly rent, and other the premises, as and when the same shall arise or become payable, and upon non-payment thereof in the name and manner aforesaid, or otherwise, as shall be necessary and proper, to commence and prosecute all such actions, suits, and

proceedings, and use, exercise and enforce all such powers, remedies, expedient, and legal or equitable ways or means, for compelling payment of and recovering the same, as the said company might, or could do, or had done in case these presents had not been made.

And the said company doth hereby authorize and expressly direct the said Northern Railway Company of Canada, and all and every other person or persons to whom it doth or shall belong, subject as aforesaid, to pay the said yearly rent or annual sum as and when the same shall arise and become payable, and all other sums, if any, which may fall due under said lease, unto the said trustees.

Provided always, and these presents are upon this express condition, that if the company shall well and truly pay, or cause to be paid, all their said second mortgage bonds to be issued as aforesaid, and the interest coupons thereto attached, upon presentment at maturity, then these presents shall cease and become utterly null and void, and the said real and personal property, rights, franchises of the North Simcoe Railway Company, and the said estates, rights and privileges herein granted and conveyed, shall revert to, and revert in the said company without any acknowledgment of satisfaction, release, quittance, reconveyance, re-entry or other act or formality whatever.

It is further declared and agreed that the North Simcoe shall have the right at any time to pay off the said second mortgage bonds and interest on giving thirty days' notice to that effect by advertisement published in the *Ontario Gazette*, and one daily morning paper published in the City of Toronto, naming a day and place where such payment will be made, and interest shall be calculated and paid on each bond up to the day so fixed for payment on presentation of each bond, together with all unpaid coupons thereto belonging; but if any bond or bonds, together with all unpaid coupons thereto belonging, shall not be presented at the time and place named, the North Simcoe may deposit the amount thereof, with interest calculated to the day of such deposit, in any chartered bank then doing business in the city of Toronto, to be paid by the said bank to the holder or holders of said bond or bonds on presentation thereof with all unpaid coupons; and on such deposit being made interest shall cease to run from the date of such deposit, and on production to the trustees of all bonds and coupons hereby secured, or of such of said bonds and coupons as may have been presented as aforesaid and paid, and a certificate of deposit from any bank as aforesaid for the full amount, computed as aforesaid, and so deposited in respect of any bonds, together with the coupons thereto belonging, not so presented, this mortgage shall, *ipso facto*, become void and of no effect, and the said trustees, their heirs, executors or assigns, or the survivor or survivors of them are hereby authorized and required to release the same at the cost and charges of the said North

North Simcoe Railway Company, and each bond shall, on its face, contain a statement that it is subject to this proviso.

And it is further provided that the said trustees, their successor or successors in said trust, shall only be accountable for reasonable diligence in the management thereof, and shall not be responsible for the acts of any agent employed by them, when such agent is selected by them with fair discretion, and that said Trustees, their successors or successor in said trust, shall be entitled to receive proper and reasonable compensation for all labours or duties performed in the discharge of said trust, in case they shall be compelled to take possession of said premises and collect the said rental or annual sum, or any part thereof, or to enter upon the management of the same.

And it is further provided by the parties hereto that in case of the death, mental incapacity or resignation of the said trustees, or either of them, or if they or either of them shall cease to be residents of Ontario, then the right, title and interest of the said trustee or trustees so dying, refusing to sign, becoming incapable of acting, or removing as aforesaid, shall cease and determine and be divested, and the same right, title and interest for the purpose of this mortgage and for the carrying into effect the purposes of this trust herein created, be vested in, revert to, and all and singular the trusts and duties herein imposed upon the said trustees shall devolve upon some person or persons as shall be agreed upon by a majority of the second mortgage bondholders and the company, or upon their failure or neglect within thirty days after any vacancy to agree upon any suitable person or persons, then upon such person or persons as may be appointed by the Judge of the County Court of the County of York, for the time being, upon the application of one-fourth in value of the then holders of the said second mortgage bonds, they giving to the company thirty days' notice of the pendency of such application, and making such application within sixty days from the occurrence of any vacancy, or upon the application of the company after the expiry of said sixty days to the said Judge, upon such person or persons as he may appoint, said company giving thirty days' notice of the pendency of such application by publication in a daily newspaper of general circulation in the city of Toronto, and the trustee or trustees so appointed shall become vested for the purposes aforesaid with all the real and personal property, franchises, right, title and interest herein conveyed to or vested in the said trustees, subject to all the conditions and restrictions herein expressed without any further assurance or conveyance, and in the event of any further vacancy occurring in said trust, during its existence, the same shall be filled in the manner last herein recited.

In testimony whereof the President of the said company hath hereunto set his hand, and under and by virtue and in pursuance of a resolution of the Board of Directors of the said company,

company, hath caused the corporate seal to be hereunto affixed, the day and year first above written.

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| Signed, sealed and delivered in presence of (Sd.) EDWARD MARTIN. | { | (Sd.) EDMD. B. OSLER, | { Seal N.S.R. Co. } | |
| | | (Sd.) LYNDHURST OGDEN, | | |
| | | | <i>Presd.</i> | |
| | | | <i>Secretary.</i> | |
| | | (Sd.) JOHN L. BLAIKIE, | { L. S. } | |
| | (Sd.) G. D'ARCY BOULTON, | { L. S. } | | |
| | (Sd.) WM. HENDRIE, | { L. S. } | | |

CHAPTER 59.

An Act to incorporate the Port Rowan and Lake Shore Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the construction of a railway from a point in or near the Village of Port Dover, in the County of Norfolk, to a point at or near the Village of Vittoria, thence to a point at or near the Village of Forrestville, thence to a point at or near the Village of St. Williams, thence to a point at or near Port Rowan, and thence to a point in or near to the Village of Port Royal, on Big Creek, in the Township of Walsingham, in the said County of Norfolk, has become desirable for the development of the resources of certain portions of the said County of Norfolk, and for the public convenience and accommodation of the inhabitants thereof; and whereas William Collier, John McBride, Henry Walter Anderson, John E. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl, D. L. Beamer, Simpson McColl, and others, inhabitants of the said County of Norfolk, have by their petition prayed that they may be incorporated for the purpose of constructing such a Railway, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. William Collier, John McBride, Henry Walter Anderson, John E. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl,
D.

D. L. Beamer, and Simpson McColl, together with such other persons and corporations as shall in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Port Rowan and Lake Shore Railway Company."

2. The said Company shall have full power under this Act to construct a Railway from a point at or near the Western Pier, on the Beach in or near the Village of Port Dover, in the County of Norfolk, to a point at or near the Village of Vittoria, in the Township of Charlotteville, in the said County of Norfolk, thence to a point at or near the Village of Forrestville, in the said Township of Charlotteville, thence to a point at or near the Village of St. Williams, in the said Township of Walsingham, thence to a point at or near Port Rowan, in the Township of Walsingham, in the said County of Norfolk, thence to a point in, at, or near Port Royal on Big Creek, in the last mentioned Township.

Location of line.

3. The gauge of the said Railway shall be four feet eight and one-half inches.

4. Conveyances of lands to the said Company, for the purposes of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyances to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyances.

5. From and after the passing of this Act, the said William Collier, John McBride, Henry Walter Anderson, John E. Stearns, H. A. Mabey, Richard Richardson, D. A. McColl, D. L. Beamer and Simpson McColl, shall be the provisional directors of the said Company.

Provisional directors.

6. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the Company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the Company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such

Powers of provisional directors.

such other powers as under the Railway Act, and other laws in force in Ontario, are vested in such boards.

Capital stock.

7. The capital stock of the Company hereby incorporated shall be one hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village, on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the company, or be allowed to it in payment of stock.

Ten per cent.
to be paid at
time of sub-
scription.

8. On the subscription for shares of the said capital stock, each subscriber shall pay to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said Company.

Future calls.

9. Thereafter calls may be made by the directors, for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

First election
of directors.

10. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said Company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Simcoe, in the said County of Norfolk (which shall on no account be withdrawn therefrom, unless for the service of the Company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

How meeting
may be called
if provisional
directors
neglect to call
the same.

11. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

12. In either case, notice of the time and place of holding such general meeting, shall be by publication in the *Ontario Gazette* and in two weekly newspapers published in the said County of Norfolk, once in each week, for the space of at least four weeks, and such meeting shall be held in the Village of Port Dover aforesaid, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act.

Notice of
general
meeting.

Election of
directors.

13. Thereafter the general annual meeting of the shareholders of the said Company shall be held either in the Village of Port Dover or in the Village of Port Rowan, in such place and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in two weekly newspapers published in the said County of Norfolk.

Annual
meetings.

14. Special general meetings of the shareholders of the said company may be held at such places in the Village of Port Dover or Port Rowan, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Special general
meetings.

15. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Votes.

16. No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification
of directors.

17. Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Quorum of
directors.

18. It shall be lawful for any Township or Village municipality, or any portion of any such Township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of said company shall pass or be situated, to aid and assist

Aid from
municipalities.

Proviso.

assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipalities or any of them, shall think expedient; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the municipal act for the creation of debts.

Provision where a portion of a municipality petition.

19. In case fifty persons at least rated on the last assessment roll as freeholders, who may be qualified voters under the municipal act, in any portion of a township municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, the council of such municipality shall pass a by-law, and submit the said by-law to the vote of the qualified rate-payers;

(1) For raising the amount so petitioned for by such freeholders, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest, and for the delivery to the trustees, hereinafter mentioned, of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils and the reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, the council to pass the same;

20. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

and issue debentures.

21. Within one month after the passing of such by-law, the said council and the reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate to be levied on part of municipality.

22. In case any bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

23. The provisions of the "Municipal Act," so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Municipal Act to apply to the by-laws.

24. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

By-laws to be valid though rate exceeds two cents in the dollar.

25. It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law expressly passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Exemption.

26. When any municipality shall grant a bonus of not less than five thousand dollars in aid of the said company, the Council of such municipality shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Appointment of Directors by municipalities.

27. Whenever a municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said Company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the councils of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, or inability or refusal to act, of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing

Trustees for debentures.

Proviso.

failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

Vacancies in the office of Trustee.

28. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company; and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company.

Act of two trustees to be binding.

29. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts of debentures.

30. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Port Rowan and Lake Shore Railway Company Municipal Trust Account, and to pay the same unto the Company from time to time on the certificate of the chief engineer of the said Company, in the form set out in schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees.

Counties in which townships grant bonuses may take township debentures in exchange for county debentures.

31. Any county corporation in which county is or are situated a township or townships, or a portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Issue of bonds.

32. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*

rata with all the other holders thereof upon the undertaking and property of the company aforesaid: Provided, Proviso. however, that the whole amount of such issue of bonds shall not exceed in all the sum of seventy-five thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario and Quebec: and Provided also further, that in the Proviso. event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have Proviso. been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

33. All such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue thereon in his own name. Bonds, etc., may be made payable to bearer.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the company and countersigned by the Secretary and Treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Company may make promissory notes, etc. Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Proviso.

35. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, Powers as to lands. by

by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Commence-
ment and com-
pletion of rail-
way.

36. The railway shall be commenced within one year and completed within two years after the passing of this Act, or else the charter shall be forfeited.

Arrangements
with other
companies.

37. The company incorporated by this Act may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided, that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway, may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Carriage of
cordwood.

38. The said railway company shall at all times receive and carry cordwood or any wood or fuel, at a rate not to exceed for dry wood three cents per mile per cord from all stations in full car loads, and for green wood at the rate of three cents per ton per mile. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood and fuel, to as large an extent as in the case of other freight carried over the said railway: Provided always that the owner, consignor or consignee of the said wood or fuel, shall load and unload the same on and off the cars of the said company, or cause the same to be done at the expense of the said owner

Proviso.

owner, consignor, or consignee, and in case any car is detained for more than twenty-four hours after its arrival at its destination, without being unloaded by the owner, or consignee, then it shall and may be lawful for the said company to charge demurrage.

SCHEDULE A.

(Section 4.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us) by the Port Rowan and Lake Shore Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Port Rowan and Lake Shore Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands, as witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }
in presence of

(L.S.)

SCHEDULE B.

(Section 30.)

Chief Engineer's Certificate.

The Port Rowan and Lake Shore Railway Company's Office,
Engineer's Department, No. , A.D. 188 .

Certificate to be attached to cheques drawn on the Port Rowan and Lake Shore Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Port Rowan and Lake Shore
Railway

Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER 60.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS, by an Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered fifty-four, incorporating "The Port Stanley, Strathroy and Port Franks Railway Company," it is provided that the charter shall be forfeited so far as relates to so much of the railway as may not be completed within five years after the passing of the said Act; and whereas the said company has represented by its petition that since the passing of the said Act they were unable to complete said railway owing to the inability of the Canada Southern Railway Company to carry out certain promises made by said Canada Southern Railway Company to them, and that the said company have good grounds for believing that within a few months they will be able to make arrangements with the Grand Trunk Railway Company for building a portion of their railway, and prayed that the said Act may be revived and amended, and the time for the commencement and completion of said railway may be respectively extended for two years and five years from the day of the passing of this Act; and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Acts respecting railway revived and time extended.

1. The Act passed by the Legislature of Ontario, in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-four, intituled "An Act to incorporate the Port Stanley, Strathroy and Port Franks Railway Company," and the Act amending the same, are hereby revived and declared to be in full force and effect, and the time therein limited for the commencement and completion of the railway authorized to be constructed from Port Stanley to Port Franks is hereby respectively extended for the period of two years and five

five years from the passing of this Act; Provided always Proviso. that the powers conferred by the said Acts, or either of them, to group municipalities or parts of municipalities together, for the purpose of obtaining a bonus therefrom, are hereby repealed.

2. The twelfth section of the said Act is hereby amended by Sec. 12 of 38 striking out the words "one hundred" in the first line, and Vic., c. 54, inserting the word "fifty" in lieu thereof. amended.

CHAPTER 61.

An Act to amend the Acts respecting the Prince Edward County Railway Company.

[Assented to 5th March, 1880.]

WHEREAS the Prince Edward County Railway Company Preamble. have petitioned that an Act may be passed amending the Act of incorporation of the said Company, passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-three, and the Act passed in the forty-first year of Her Majesty's reign, chaptered fifty-one, by authorizing the said Company by by-law to reduce the number of their Directors, and to fix the place of holding the annual and other meetings of the Company; and whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said Prince Edward County Railway Company from time to time to pass by-laws fixing the number of Directors of the said Company, but so that the number shall not be less than three nor greater than seven. Power to determine number of Directors by by-law.

2. The said Company may pass by-laws from time to time, fixing or altering or changing the place for holding the annual and other meetings of the said Company, instead of the same being held at the Town of Picton, as provided by the said Act of incorporation: Provided that the said by-laws shall only take effect after the same shall have been approved of by a majority of the shareholders of the said Company, present at an annual meeting of the Company, or at a meeting called for the purpose of approving of the same. Power to alter place of annual meeting.
By-laws subject to approval of shareholders.

CHAPTER 62.

An Act to revive and amend the Act incorporating the St. Mary's and Credit Valley Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS a petition has been presented praying for an Act to revive and amend the Act incorporating the St. Mary's and Credit Valley Railway Company, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

36 Vic., c. 74,
revived.

1. The Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-four, intituled "An Act to incorporate the St. Mary's and Credit Valley Railway Company," is hereby revived and declared to be in full force and effect: Provided always that all powers to group municipalities or a municipality, or municipalities with a part of a municipality or parts of municipalities, in voting upon by-laws granting municipal aid contained in the said Act are hereby declared to be inoperative.

Proviso.

Deposit to
meet expenses
of by-laws.

2. Before any by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Name.

3. The name of the said railway company shall be the St. Mary's, Credit Valley and Huron Railway Company.

36 Vic., c. 74,
Ss. 1, 6, and 31
repealed.

4. The first, sixth and thirty-first sections of the said Act are hereby repealed, and in lieu of the said first and sixth sections the following section shall be substituted.

Provisional
directors.

5. John E. Harding, Henry Adams, M.D., Alexander McCorquodale, Duncan Miller, John Bartlett, James Kennedy, James Whitson, Robert Reid, Robert Eaton, Henry E. Wilson, John Bindon Abbott, C. S. Rumsey, Henry Parker, James Sutherland, John Young, John Pitt, David Shaw, Alexander Gordon, D. Matheson, James Munroe, A. M. Driver, W. F. Sanderson, A. Wilson, J. McCurdy, John Dalziel, James Craig, Hugh Whealey, George Cormack, George Innes, David R. Ross, Andrew Patullo, John Cameron, and James A. Paterson, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the St. Mary's, Credit Valley and Huron
Railway

Railway Company, and the said above mentioned persons shall be the provisional directors of the said company.

6. The third section of the said Act is amended by striking out the words "the village of Petrolia," and substituting the words "Port Franks or some other point on Lake Huron." 36 Vic., c. 74, s. 3 amended.

7. Section eight of the said Act is hereby amended by striking out that portion of the said section which provides that the capital stock of the said company shall be divided into five hundred shares of one hundred dollars each, and inserting in lieu thereof one thousand shares of fifty dollars each. Section 8 amended.

8. Section eleven of said Act is hereby amended by striking out the words "thirty thousand" and inserting in lieu thereof the words "twenty thousand." Section 11 amended.

9. The said railway between the town of Woodstock and the town of St. Mary's shall be commenced within two years and completed within five years after the passing of this Act, and that portion lying west of the said town of St. Mary's shall be commenced within five years and completed within ten years after the passing of this Act. Commencement and completion of railway.

10. The thirty-first, thirty-second, thirty-third, thirty-fourth and thirty-fifth sections of the said Act are hereby repealed and the following sections substituted in lieu thereof. Ss. 31, 32, 33, 34 and 35 repealed.

11. Whenever any municipality or portion of a township shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within three months after passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures. Proviso.

12. The said trustees shall receive the said debentures or bonds Trustees of debentures.

bonds in trust; firstly under the directions of the Company to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion in the name of the "St Mary's, Credit Valley and Huron Railway Company Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company in the form set out in Schedule A hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees for such payments, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to
trustees.

13. The trustees shall be entitled to their reasonable fees and charges from such trust fund, and the Act of any two of such trustees shall be as valid and binding as if the three had agreed.

SCHEDULE A.

(Section 12).

CHIEF ENGINEER'S CERTIFICATE.

The St. Mary's, Credit Valley and Huron Railway Company's
office, Engineer's Department, No. A.D. 18 .

Certificate to be attached to cheques drawn on the St. Mary's, Credit Valley and Huron Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, A. B., Chief Engineer for the St Mary's, Credit Valley and Huron Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the township of (or under the agreement dated the day of between the corporation of and the said company), to enable the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

CHAPTER 63.

An Act to incorporate the Sarnia and Petrolia Railway Company.

[Assented to 5th March, 1880.]

WHEREAS James King, Joshua Adams, George Leys, Preamble.
 Thomas Kenny, Timothy Gleeson, Charles Mackenzie,
 James Flintoft, A. C. Poussette, S. A. Macvicar, and Michael
 Sullivan, all of the town of Sarnia, in the county of Lambton,
 have by their petition prayed for an Act of incorporation, to
 construct a railway from some point in the town of Petrolia,
 through the township of Enniskillen, and the township of
 Sarnia to some point within the corporate limits of the said
 town of Sarnia; and from thence to the Grand Trunk Rail-
 way, within the village of Point Edward, all within the county
 of Lambton; and whereas it is expedient to grant the prayer of
 said petition;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The said persons above mentioned, together with such Incorporation.
 other persons and corporations as shall in pursuance of this Act
 become shareholders in said company hereby incorporated, shall
 become and are hereby declared to be a body corporate and
 politic, by the name of the “Sarnia and Petrolia Railway
 Company.”

2. The company hereby incorporated, and their agents or Location of
 servants, shall have full power and authority under this Act to line.
 lay out, construct and finish an iron railway from some point
 at or near the town of Petrolia to some point within the limits
 of the town of Sarnia, and therefrom to the Grand Trunk Rail-
 way at Point Edward.

3. The capital of the company hereby incorporated shall be Capital.
 two hundred thousand dollars, with power to increase the same
 in the manner provided by the Railway Act, to be divided into
 eight thousand shares of twenty-five dollars each, and shall be
 raised by the persons and corporations who may become share-
 holders in such company; and the money so raised shall be
 applied in the first place to the payment of all expenses for
 procuring the passing of this Act, and for making the surveys,
 plans, and estimates, connected with the works hereby author-
 ized; and the remainder of such money shall be applied to the
 making, equipment, and working of the said railway and the
 purposes of this Act.

Provisional
directors;

4. James King, Joshua Adams, George Leys, Thomas Kenny, Timothy Gleeson, Charles Mackenzie, James Flintoft, A. C. Pousette, S. A. Macvicar, and Michael Sullivan, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Their powers.

5. The said board of provisional directors shall have full power to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; to receive any grant, loan, bonus, or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway with all such other powers as under the Railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette* and in one paper published in each of the towns of Petrolia and Sarnia, of the time and place of meeting to open such books and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing, who in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway.

First meeting
for the election
of directors.

6. When and as soon as shares to the amount of twenty thousand dollars, in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in two newspapers, one published in the town of Sarnia, and one in the town of Petrolia, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company in manner and qualified as hereinafter mentioned, who, together with *ex-officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

Application of
money
deposited.

7. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

8. The directors for the time being may from time to time Calls. make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section six.

9. Thereafter the general annual meeting of the share-Annual meet-holders of said company shall be held in the town of Sarnia, at such time and place as shall be appointed by by-law, and public notice thereof shall be given as provided in section six.

10. Special general meetings of the shareholders of said Special meet-company may be held at the said town of Sarnia, at such times and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice being given as is provided in section six.

11. In the election of directors under this Act, no person Qualification of directors. shall be elected unless he shall be the holder and owner of at least ten shares of the stock of said company, upon which all calls have been paid up.

12. Aliens as well as British subjects, and whether resident Aliens. in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares, equally with British subjects, and shall also be eligible to office as directors of said company.

13. At all meetings of the board of directors five directors Quorum. shall form a quorum.

14. The said company may receive from any government, Aid to com-or from any persons or bodies corporate, or municipal, who may pany. have power to grant the same, aid towards the construction, equipment, and maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

15. It shall be lawful for any municipality which may be in-Aid from mu-terested in securing the construction of the said railway, to aid nicipalities. and assist the said company by loaning, or guaranteeing, or giving money by way of bonus, or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient.

16. The provisions of the municipal Act, so far as the same Municipal Act are not inconsistent with this Act, shall apply to any by-law to apply. passed by any municipality in aid of the construction of said railway.

Exemption
from taxation.

17. It shall be lawful for the corporation of any municipality through any part of which the railway of said company passes or is situate, by by-law passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, for such term of years as to such municipal corporation may seem expedient.

Trustees for
debentures.

18. Whenever any municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of de-
bentures.

19. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them: Secondly, to deposit the debentures, or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the Sarnia and Petrolia Railway Municipal Trust Account, and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Certain mu-

20. Any municipality which shall grant a bonus of not less than

than twenty thousand dollars in aid of said company may stipulate that it shall be entitled to name a director in the said company, as the representative of such municipality.

21. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

22. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

23. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all, the sum of eight thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the

Municipalities to name directors.

Municipalities empowered to grant lands.

Extension of time by municipalities.

Power to mortgage bonds.

Limit to bonds.

Proviso.

Proviso.

the secretary of the company to register the same on being required to do so by any holder thereof.

Commence-
ment and com-
pletion.

24. The railway shall be commenced within two years and be completed within five years from the passing of this Act.

Agreements
with other
companies.

25. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, lawfully authorized in that behalf, for the building and working of the said railway on such terms and conditions as the directors of the several companies may agree on, for leasing or hiring from such other company or companies any locomotives or other moveable property, and generally to make any agreement or agreements with any other company lawfully authorized in that behalf touching the use by one or the other or by both companies of the railways or rolling stock or either or both or any part thereof or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof; provided that the assent of at least two thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company and provisions of this Act, and the company or companies leasing or entering into the agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Power to issue
preferential
bonds.

26. The said company hereby incorporated, may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Transfer of
shares.

27. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Form of con-
veyance.

28. Conveyances of lands to the said company for the purpose of and powers given by this Act, made in the form set out in schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five

seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

29. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, work shops, and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to build warehouses, etc.

30. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable. Extension of time.

SCHEDULE A.

(Section 19.)

Chief Engineer's Certificate.

The Sarnia and Petrolia Railway Company's Office, Engineer's Department, No. , A.D. 188 .

Certificate to be attached to cheques drawn on the Sarnia and Petrolia Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Sarnia and Petrolia Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of
[here set out the terms and conditions, if any, which have been fulfilled].

SCHEDULE B.

(Section 28.)

Know all men by these presents that I (or we) [insert the name of the vendor] in consideration of dollars paid

be and are hereby constituted a body corporate and politic, by and under the name of "The Sault Ste. Marie Railway Company."

2. The said company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width, from Sault Ste. Marie, in the District of Algoma, eastward to a point at or near Lake Nipissing. Location and gauge of line

3. Notwithstanding anything contained in the sections of "The Railway Act of Ontario" respecting "lands and their valuation," the said company may acquire land and water-lot property for the purpose of their undertaking in the manner provided for by the said sections, and may acquire, under the provisions in that behalf of the said Act, and hold, such width of land on the sides of the railway and its branches, at any point, as may be needed for the erection of snow-drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the power of the company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the said sections of the said Railway Act. Power to take lands.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under "The Railway Act of Ontario," are vested in ordinary directors. Provisional directors and their powers.

5. The capital stock of the company shall be one million of dollars (with power to increase the same, under "The Railway Act of Ontario"), to be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act and the organization of the said company, and for making the surveys, Capital.
plans

plans and estimates connected with the works hereby authorized; and all the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Ten per cent to be paid on stock within one month after subscription.

6. No subscription for stock in the capital of the company shall be binding on the company, unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

7. The said company may receive, either from any Government or from any persons or bodies corporate, municipal, or politic, who may have power to make or grant the same, bonuses, loans or gifts of money, or securities for money, in aid of the construction, equipment or maintenance of the said railway.

Meeting for election of directors.

8. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the said company shall have been subscribed, and the sum of ten thousand dollars paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Toronto, for the purpose of electing directors of the said company, giving at least two weeks' notice, by advertisement in the *Ontario Gazette* and in one of the daily papers published in the City of Toronto of the time, place, and purpose of said meeting.

Number of directors, etc.

9. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum thereon, with such proxies as may be present, shall choose nine persons to be directors of the said company (of whom five shall be a quorum); and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "The Railway Act of Ontario."

Qualification of directors.

10. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Annual meeting.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the city of Toronto, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published at the city of Toronto, and special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such

such purposes as may be provided by the by-laws of the company.

12. The directors of the company are hereby authorized to Issue of bonds authorized. issue bonds, under the seal of the company, signed by its president or other presiding officer and countersigned by its secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest as the directors shall think proper; and the directors shall have power to issue, and sell, or pledge all or any of the said bonds, at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking: Provido. Provided, that the amount of such bonds shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed or under contract to be constructed.

13. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments, now or at any time hereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer upon the undertaking and property of the company as aforesaid, *pro rata*, with all the other bondholders; and in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds so being and remaining in default shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provido. Provided, nevertheless, that such rights shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the said company, and nothing in this section contained shall in any way impair the other rights of bondholders.

14. All the bonds hereby authorized and the coupons and interest warrants thereon may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds or coupons so made payable to bearer may sue at law thereon in his own name unless, and until registry thereof in manner provided in the next preceding section, and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Bonds may be made payable to bearer.

Powers as to
promissory
notes, etc.

15. The said company shall have power to become a party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary and under the authority of a quorum of the directors shall be binding on the company; and any such promissory note or bill of exchange so made shall be presumed to have been so made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such note or bill, nor shall the officers signing the same be individually responsible for the same unless issued without the sanction and authority of the board as aforesaid; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of banks.

Proviso.

Calls.

16. The directors may at any time call upon the shareholders for such instalments upon each share and in such proportions as they may see fit, but no such instalment shall exceed ten per centum on the subscribed stock, and thirty days' notice of each call shall be given as prescribed by the by-laws of the company.

Agreements
with other
companies.

17. The said company shall have power to make running arrangements with any railway lines situate on the line hereby authorized, or crossing or connecting with the same, which is or are lawfully empowered to enter into such an agreement, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith and which is lawfully authorized to enter into such an agreement, for leasing the said Sault Ste. Marie Railway or any part thereof, or the use thereof at any time or times, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Proviso.

18. The said company shall at all times work and operate its railway so as to afford equal facilities for the receipt, transfer and transportation to, from or over the same of the traffic of all other lines of railway in Canada which may connect with the railway of the said company, and the said company shall establish, levy and collect equal tolls, rates and charges in respect of the traffic received from or to be delivered to all such other railways, and so that the same shall be received, transferred, transported and delivered, and the tolls and charges in respect of the same shall be levied and collected on terms of absolute equality and without discrimination of any sort in favour of or against the traffic of any other such railway. The word "traffic" in this section shall mean not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running on any railway, and whether loaded or unloaded, owned or leased by or consigned to any such other connecting railway in Canada.

Facilities to be afforded to traffic of other companies.

Meaning of word "traffic."

19. Conveyances of land to the said company for the purposes of this Act may be made in the form in the schedule hereto annexed, or to the like effect, and may be registered.

Form of conveyances.

20. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits or for constructing, maintaining and using the said railway, or for opening a street to any station from any existing highway, the said company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient; and may also make use of, for the purposes of the said railway, the water of any stream or water course on or near which the said railway passes, doing however no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands or the use of such water, as also the powers of the said company to take possession thereof, shall in case of difference be ascertained and exercised in the manner provided in the sections of the "Railway Act of Ontario," respecting "lands and their valuation."

Right to acquire and hold lands.

21. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by the Act respecting telegraph companies, being chapter one hundred and fifty-one of the Revised Statutes of Ontario, are hereby conferred upon the said company.

Telegraph line.

22. The railway shall be commenced within five years, and completed within ten years after the passing of this Act.

Commencement and completion.

SCHEDULE.

SCHEDULE.

(Section 19.)

Know all men by these presents, that I (or we) (*insert the names of the vendors*), in consideration of _____ dollars paid to me (or us) by the Sault Ste. Marie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the names of any other party or parties*), in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels) (*as the case may be*) of land situated (*describe the lands*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Sault Ste. Marie Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we), the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ A.D. 18 _____

Signed, sealed and delivered in
the presence of }

[L.S.]

CHAPTER 65.

An Act respecting the Stratford and Huron and the Port Dover and Lake Huron Railway Companies.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Stratford and Huron Railway Company, and the Port Dover and Lake Huron Railway Company have, by their petition, prayed for certain amendments in the Acts relating to the said Railway Companies, and for certain additional powers and privileges, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation
clause.

1. Unless the context shall require a different interpretation of the words hereby interpreted, the words, "The United Company,"

Company," shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the Company purchasing the railway, property, and rights of the other Company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last named Act, and the words, "two-thirds," shall mean two-thirds in value.

(1) Nothing in this Act shall affect the rank, preference, or priority of the two classes of first and second preference bonds of the Stratford and Huron Railway Company, or of the Port Dover and Lake Huron Railway Company, or of the United Company, as the case may be, as between such two classes of bonds and the holders thereof; but each special lien by this Act attached to bonds declared to be "first and preferential claims and charges," shall be held and enjoyed by the holders thereof according to the rank, preference and priority of the said two classes of bonds.

The priorities of first and second preference bonds not to be affected.

2. Section twenty-six of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-three, is hereby amended by striking out all that portion of the said section which precedes the words, "to enter," in the third line thereof, and substituting therefor the words following: "If at any special general meeting of the shareholders and bondholders of the said company called for that purpose, published and notified as prescribed by the provisions of the statutes affecting the said Company, relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting, present in person or by proxy, consent thereto, it shall be lawful for the directors of the said Company;" and by striking out the words "in the Province of Ontario, whose line may connect with such road," in the fourth and fifth lines of the said section, and substituting therefor, the words "or companies which is or are lawfully empowered to enter into such agreements."

35 Vic., c. 53, s. 26, amended.

3. Wherever the holders of the bonds of either of the above mentioned Railway Companies or the United Company, are, by the Acts affecting the said companies, or either of them, or by this Act, entitled or allowed to vote at any meeting, each such holder of bonds shall have the number of votes to which he would be entitled if the amount of the bond or bonds he then holds, and upon which he is so entitled or allowed to vote, were an equal amount of the capital stock of such company.

The number of the votes of bondholders determined.

4. The directors of the Stratford and Huron Railway Company are hereby authorized and empowered, with the assent of two-thirds of the holders of each class of the bonds of the last named Company, at such time issued, by resolution

Power to declare bonds of the S. and H. Ry. special liens on its

Railway between Stratford and Wiarton, and in these places.

to declare that any bonds authorized to be issued by the last named Company under and by virtue of the provisions of the eighth section of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, whether issued before or after the passing of such resolution, and the bonds retained by the holders thereof, but forming part of the new issue, under the provisions of the said section eight, and not exceeding in the whole the sum of twelve thousand dollars per mile for each mile in length of the railway of the last named Company, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, prior to and in preference of all other bonds theretofore or thereafter issued or to be issued by the last named Company.

Bonds mentioned in resolution shall, after passing thereof, form special lien on railway between Stratford and Wiarton.

5. Upon such resolution as mentioned in the last preceding section being passed by the said directors, after such assent as therein mentioned, the bonds of the last named Company mentioned in the said resolution and theretofore or thereafter issued under the provisions of section eight of the Act in the last preceding section mentioned, or retained by the holders thereof, but forming part of an issue thereunder, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, form and be taken and considered to be the first and preferential liens, claims and charges upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an encumbrancer, pro rata with all the other holders of said last mentioned bonds, upon the undertaking and property of the last named Company, real and personal, and then existing and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village.

Declaring preferences between bonds mentioned in resolution and others.

6. As between the bonds in the last preceding section mentioned and the holders thereof, and all other bonds which shall have been theretofore or shall thereafter be issued by the last named Company and the holders thereof, the bonds mentioned in the said resolution and issued under the provisions of the said section eight, or retained by the holders thereof, but forming part of

of an issue thereunder, shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, immediately before and prior to all other bonds which shall have been or shall be issued by the last named Company, and not equally or simultaneously with them or any of them: Provided always, that all special liens conferred under the provisions of any Acts affecting the last named Company, which shall have attached to any bonds issued before the passing of the resolution in this and the last preceding section mentioned, shall after the passing of such resolution, merge in the special lien by this section authorized to be conferred. Proviso.

7. It shall be lawful for the directors of the United Company, at any time after the constitution of the United Company, with the assent of two-thirds of each class of the bondholders of the Stratford and Huron Railway Company, and of two-thirds of each class of bondholders of the Port Dover and Lake Huron Railway Company; or, if the bonds of the last mentioned Companies shall have been exchanged for bonds of the United Company, or have become under section nine of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, part of a bond issue of the United Company, then, with the assent of two-thirds of each class of bondholders of the United Company, at any time, by resolution to declare that any bonds which shall have been authorized to be issued under section nine of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, in substitution and exchange for outstanding bonds, and, whether issued before or after the passing of such resolution, shall be and form, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes affecting each company or the United Company, the first and preferential claims, liens, charges and encumbrances upon the undertaking and property of the United Company, real and personal, and then existing or at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages, prior to and in preference of all other bonds thereafter to be issued by the United Company. Power to declare bonds of United Company special liens on its railway between Port Dover and Wiarton, and in these places.

8. Upon such resolution as mentioned in the last preceding section being passed by the said directors, after such assent as aforesaid, the bonds of the United Company theretofore or thereafter issued under section nine of the last mentioned Act, in substitution or exchange for outstanding bonds, and the bonds retained, but, by the provisions of section nine of the last mentioned Act, forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, shall, in addition to the general liens, claims, charges Bonds mentioned in resolution shall, after passing thereof, form special lien on railway between Port Dover and Wiarton.

charges and encumbrances created and granted by the statutes relating to either Company or the United Company, form and be taken and considered to be the first and preferential liens, claims, charges and encumbrances upon the undertaking and property of the United Company, real and personal, and then existing and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages; and each holder of any of the bonds mentioned in the said resolution, shall, in addition to all other the general powers, privileges and rights by the statutes relating to either Company or the United Company conferred on bondholders, be deemed to be a mortgagee and an encumbrancer, pro rata with all the other holders of the said bonds mentioned in the said resolution, and issued in substitution or exchange for outstanding bonds under section nine of the last mentioned Act, and with the holders of the bonds retained, but, by the provisions of the said section nine, forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, upon the undertaking and property of the United Company, real and personal, and at the time of the passing of the said resolution existing, and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages.

Declaring preferences between bonds mentioned in resolution and others.

9. As between the bonds mentioned in the resolution in the last preceding section mentioned, and issued in substitution or exchange, or retained by the holders, but forming part of the bond issue in substitution or exchange as therein mentioned, and the holders thereof, and all other bonds which shall have been theretofore or shall thereafter be issued by the United Company and the holders thereof, the bonds mentioned in the said resolution and so issued in substitution or exchange, or retained by the holders, but forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the United Company, real and personal, and at the time of passing the said resolution existing, and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages, immediately before and prior to all other bonds which shall have been theretofore or shall thereafter be issued by the United Company, and not equally or simultaneously with them or any of them; Provided always, that all special liens conferred under the provisions of any Act affecting either Company or the United Company, which shall have attached to any bonds of either Company or of the United Company, issued before the passing of the resolution in this section mentioned, shall, after the passing of such resolution, merge in the special lien by this section authorized to be conferred.

Proviso.

10. It shall be lawful for the directors of the Port Dover and Lake Huron Railway Company at any time hereafter, with the consent of two-thirds of the holders of each class of the bonds of the last named Company, at such time issued, to call in and cancel all the bonds of the last named Company then issued, and to issue therefor, and in the place and stead thereof, other bonds of the last named Company, payable at the place or places, at the time or times, and in the manner, and with such rate of interest as may be agreed on by the said two-thirds and directors; and, either to divide the bonds to be issued, after such calling in and cancellation, into the two classes of first and second preference bonds, or, allowing them, if of the said two classes, to remain of such classes, or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to bondholders, where bonds have been so called in and cancelled, new bonds to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount, and of such of the said two classes, or all of the one class, as may be agreed on as aforesaid; and the last named Company shall cease to be liable upon the bonds so called in and cancelled as aforesaid where the holders thereof shall have delivered up the same to the said directors, and shall have received therefor, and in the place and stead thereof, such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the new bond issue under the sanction of the said agreement, to the extent or amount which, according to the terms of said agreement and as provided thereby, will be the equivalent of the bonds so retained; and, to that extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds, so retained, had been exchanged for the said new bonds, authorized by the said agreement, and as if they held the said last mentioned bonds and no others; and shall have and claim no further, greater or other rights under and by virtue of the bonds so by them retained and held, than if they had accepted and received the new bonds, by the said two-thirds agreed to be substituted therefor; Provided always, that no new bonds, by this section authorized to be issued and delivered, shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid; and, that in no case, shall the total bond issue exceed ten thousand dollars per mile for each mile in length of the railway; Provided also, and it is hereby declared to be the intention of this section, that the special powers to call in, cancel and exchange the bonds of the last named Company, by this section conferred on the directors and two-thirds of each class of bondholders in this section mentioned, shall only be exercised once. The rights and powers given under this section shall not be exercised in case the powers given by this or any previous legislation to issue amalgamated bonds have been exercised.

Power to the
Pt. D. & L.
H. Ry. to can-
cel and ex-
change bonds.

Proviso.

Proviso.

42 Vic., c. 66,
s. 14, amend-
ed.

11. Section fourteen of the Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered sixty-six, is hereby amended by inserting immediately before the word "thereafter," in the eighteenth and forty-second lines of the said section, the words, "theretofore or."

Power to the
Pt. D. and L.
H. Ry. Co. to
erect and
maintain snow
fences.

12. The Port Dover and Lake Huron Railway Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty or of any corporation or person whatsoever, lying along the route or line of its railway, and to erect and maintain snow fences thereon; subject to the payment of such damages (if any) as may be thereafter established, in the manner provided by law in respect to such railway, to have been actually suffered; Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Confirmation
of municipal
by-laws grant-
ing aid by way
of bonus.

13. A certain By-Law of the Township of Bentinck, passed by the Municipal Council thereof, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of two thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Bentinck, passed by the Municipal Council thereof, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of eight thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Amabel, passed by the Municipal Council thereof, on the eighteenth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of three thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate, for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Keppel, passed by the Municipal Council thereof, on the fifteenth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of two thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment

payment of the said debentures and the interest thereon;" A certain By-Law of the Township of Brant, passed by the Municipal Council thereof, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of five thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" A certain By-Law of the Township of Arran, passed by the Municipal Council thereof, on the ninth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of five thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" and a certain By-Law of the Township of Elderslie, passed by the Municipal Council thereof, on the seventh day of July, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of ten thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" and all debentures issued, or to be issued, under each and every of such by-laws, shall be and are hereby declared to be good, valid, legal, binding and effectual; and each of the said by-laws shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof; any law usage or custom to the contrary notwithstanding.

14. The Stratford and Huron Railway Company is hereby empowered and authorized to construct a branch thereof, with all the works, stations and equipments thereof, from some point on the main line thereof in the county of Grey and Bruce, to the town of Walkerton in the county of Bruce; and the powers and privileges and rights by this section conferred shall be held, treated, construed and considered as if they had been conferred on the Stratford and Huron Railway Company by the original Act of incorporation thereof, and all Acts amending and affecting the same to the same extent and for all purposes as if they had actually been inserted therein and formed part thereof, except the power to group municipalities or parts of municipalities together for obtaining or granting bonuses.

Power to construct branch to Walkerton.

15. All sections and parts of sections of the Acts of the Legislature heretofore passed in reference to either the Stratford

Inconsistent enactments repealed.

ford and Huron Railway Company or the Port Dover and Lake Huron Railway Company inconsistent with this Act are hereby repealed.

Lien of North
Norwich pre-
served.

16. Nothing in this Act contained shall impair or affect the special lien of the corporation of the Township of North Norwich under the twenty-sixth section of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty-seven.

CHAPTER 66.

An Act to amend the several Acts relating to the
Toronto, Grey and Bruce Railway.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Toronto, Grey and Bruce Railway has, owing chiefly to its exceptional gauge, become involved in financial difficulties and is unable to meet the interest on its bonds or to provide means for maintaining its Railway, or for the change of gauge and other expenditure necessary to put the undertaking on a proper basis; and whereas the Company has petitioned for certain amendments to the Acts relating to the Railway and for such additional powers and provisions as will enable it to re-arrange its affairs, to change its gauge, and to put the undertaking on an efficient basis through municipal aid and otherwise; and whereas the Company has also petitioned for power to build a branch of the Railway to the town of Wingham; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Meetings of
bondholders
may be called.

1. The company may at any time, and from time to time as it may deem expedient, cause a meeting or meetings of the holders of the terminable bonds of the company to be called, to be held on a day and hour named in the notice calling such meeting, at the general office of the company in Toronto, in order to consider a proposal for the exchange of such bonds for perpetual debenture stock;

Notice of
meeting.

(2) Notice of such meeting shall be published by the company at least once a week for four weeks in a daily newspaper published in Toronto, and once a week for four weeks in a daily newspaper published in London, England, and the first
of

of such London publications shall be not less than six weeks before the day fixed for the meeting.

2. At any such meeting any bondholder may act in person or by proxy, and each bondholder shall have one vote for each one hundred pounds sterling of bonds held by him. Votes.

3. In case at any such meeting it be resolved by a vote of two-thirds or more in value of the bondholders there present or represented, that the bonds shall be exchanged for perpetual debenture stock (hereinafter called debenture stock), under the provisions of this Act, such resolution shall be binding on all the holders of bonds, whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of any bond. A vote of two-thirds in value to accept debenture stock to bind all bondholders.

4. The company shall publish notice of the passing of any such resolution in like manner as is by this Act provided for the publishing of notice of the meeting. Publication of resolution.

5. After the passing of any such resolution, the only right of the holders of bonds in respect of principal or interest, shall be to exchange their bonds for debenture stock, and the only liability of the company shall be to make such exchange, which shall be effected prior to the first day of July, one thousand eight hundred and eighty-one. Right of bondholders.
Liability of company.

6. The total amount of debenture stock which the company may issue in exchange for bonds shall not exceed two million dollars, and each bondholder shall be entitled to one hundred pounds sterling of such stock for each one hundred pounds sterling of bonds held by him; but no bondholder shall be entitled to anything in respect of arrears of interest or accruing interest on his bonds, and the unpaid interest coupons shall be given up to the company on the exchange of bonds for debenture stock. Debenture stock not to exceed \$2,000,000.
Interest not to be included.

7. In case, without any meeting of the bondholders such as is hereinbefore provided for, two-thirds or more in value of the bondholders shall by a memorandum in writing under their hands agree with each other and with the company, that the bonds shall be exchanged for debenture stock, such agreement shall be binding on all the bondholders, whether signatories of the said memorandum or not, and whether dissenting or not, and on any transferee or subsequent holder of any bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange. Agreement by two-thirds in value of bondholders with company to bind all bondholders.

8. In case, without any meeting of the bondholders, such as is hereinbefore provided for and without any agreement by memorandum in writing of the bondholders such as is hereinbefore Acceptance of debenture stock by two-thirds in value before

of bond-holders to bind all bond-holders in same manner as an agreement.

before provided for, two-thirds or more in value of the bond-holders shall exchange bonds held by them for debenture stock in the manner mentioned in the sixth section, such exchange shall be binding on all the bondholders, whether they have made such exchange or not, and whether dissenting or not and on any transferee or subsequent holder of any bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange.

Company to have all necessary powers.

9. The company shall have all the powers necessary for the issue and exchange of the debenture stock authorized by this Act, and for the carrying out of the objects of this Act in respect thereof. Such stock shall not be transferable in amounts less than £10 sterling, and no transfer shall include any fractional part of £1 sterling.

Debenture stock to have same preference as bonds have.

10. The debenture stock shall be and stand as the bonds now stand, namely:—it shall, without registration in any city or county registry office, or formal conveyance, be a first mortgage and charge upon the Toronto, Grey and Bruce Railway, and upon all and every the undertaking, and upon the real and personal property of the company, including the rolling stock and equipments, and whether such property be existing at the date of the exchange or be thereafter acquired, and upon the franchise of the company.

Interest on debenture stock.

11. Interest shall be payable on the debenture stock half-yearly at the rate of five per cent. per annum, from the first day of January, one thousand eight hundred and eighty-one.

Company only to pay higher rate of interest under authority from the Lieutenant-Governor.

12. In case the company purposes to pay interest on the debenture stock in any year prior to the first of January, one thousand eight hundred and eighty-three, at any rate greater than three per cent. per annum, or in any year after the said last mentioned date at any rate greater than four per cent. per annum, it shall notify such its intention to the Lieutenant-Governor, who may thereupon appoint a Commissioner, who shall examine the railway, and its books, and affairs, and in case he determines that the earnings for the year will suffice, after providing thereout for the running expenses and the maintenance of the railroad and its equipments in good condition and working order, to provide for payment thereof of interest for the year at any rate greater than three per cent. if before the first of January, one thousand eight hundred and eighty-three, and four per cent. if thereafter, he shall report at what increased rate (not greater than five per cent.), interest can be paid after making such provisions as aforesaid out of such earnings, and the Lieutenant-Governor may thereupon order that interest be paid for the year at such increased rate, and thereupon, but not otherwise, the Company shall be authorized and liable to pay interest at such increased rate for the year.

13. In case interest be not paid in any year at the rate of five per cent. per annum, the difference between the interest actually paid and interest at the rate in this section specified shall be and remain a charge on the net surplus earnings of the company in future years, after making provision thereout for running expenses, maintenance, and current interest, as provided in the last preceding section of this Act, and shall be payable from time to time out of such earnings as and when the Lieutenant-Governor, upon the report of the Commissioner, may order, but there shall not be any other or further liability on the part of the company or of the undertaking to pay such difference.

Provisions as to interest in arrear.

14. From and after the first day of January, one thousand eight hundred and eighty-two, a general meeting of the company, which may be called the semi-annual meeting, shall be held yearly on the second Wednesday of March, and at such semi-annual meeting, reports respecting the affairs of the company shall be submitted in the same manner as at the general annual meeting.

Semi-annual meeting.

15. In case interest be not paid on the debenture stock at the rate of at least three per cent. in any year, then at the next and at all subsequent general annual or semi-annual meetings of the company, all holders of debenture stock shall have and possess the same rights and privileges and qualifications for acting and voting as shareholders, and for directors, and of being elected as directors, as belong to ordinary shareholders, provided that their debenture stock and any transfers thereof, be first registered in the same manner as is provided for the registration of ordinary shares ;

If interest in arrear, holders of debenture stock entitled to vote, etc., at meetings.

Proviso.

(2) At the annual or semi-annual meeting, which occurs first after such default, and at every annual meeting thereafter, the ordinary shareholders and registered debenture stockholders present in person or by proxy shall choose nine persons qualified as ordinary shareholders, or as debenture stockholders to be directors of the company in the same manner as is in that behalf provided by the Act to incorporate the company (31 Vic., cap. 40) and the amending Acts, and in case such election takes place at the semi-annual meeting, at which it is by this clause authorized to be held, the directors then holding office shall thereon be superseded by the newly elected directors, who shall take the places and exercise the powers of the former directors for the residue of the term for which they were elected.

Election of directors after default.

16. In case under the authority of, and with the consent required by the Acts in that behalf, postal bonds be at any time issued by the company, the company may pledge towards the redemption of such bonds a sum not exceeding five thousand dollars per annum of the general net earnings of the company apart from those specially appropriated for such postal bonds by

Postal bonds and their redemption.

by the Acts in that behalf; and such pledge shall create a lien on the said earnings in priority to the interest of the first mortgage bonds or perpetual debenture stock; and the amount so pledged together with so much as shall remain, after payment thereof of interest on the outstanding postal bonds, of the earnings, so as aforesaid specially appropriated, shall be applied in each year after one thousand eight hundred and eighty-three, in the payment of the principal of so many postal bonds as can be paid thereof, such bonds to be drawn yearly by lot, and when paid to be cancelled and not re-issued.

Certain municipalities if giving aid to railway may elect a director

17. The several township, town and village municipalities lying upon or near the said railway, or interested in the said undertaking, in the Counties of York, Peel, Simcoe, and in the provisional County of Dufferin, which shall aid or assist the said Company under the authority of the Act 41 Vic., cap. 55, or this Act, shall be together entitled to name a director of the said company as a representative of such municipalities; such director to be named by the majority of the Reeves of the said municipalities present at a meeting of such Reeves to be called by the secretary of the said company for a day in the week preceding the annual meeting for election of directors of the said company, and to be held at the said company's general office in Toronto; and each of the said Reeves shall have one vote for every one thousand dollars of bonus granted by the municipality or portion of the municipality which he represents;

(2) The several township, town and village municipalities lying on or near to or interested in the western section of the said railway in the Counties of Wellington, Huron, and Bruce and the Townships of Egremont and Normanby, which shall aid or assist the said Company under the authority of the said Act (41 Vic., cap. 55), or this Act, shall be together entitled to name a director in the said company as the representative of such municipalities, such director to be appointed in the same manner as is provided in this section;

(3) Each director so appointed shall be in addition to all shareholders' directors in the said company, and shall not be required to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed:

Aid to company.

18. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the change of gauge, construction, re-construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as agreed upon.

19. Any municipality or any portion of a township municipality, which may be interested in securing the change of gauge or construction or re-construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts; and provided also that all powers to group municipalities, or a municipality or municipalities, with a part of a municipality, or parts of municipalities, in voting upon by-laws hereafter granting municipal aid, contained in any Act or Acts heretofore passed relating to said railway, are hereby declared to be inoperative.

Aid from municipalities.

Proviso.

Proviso.

20. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

21. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the Treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar

Provisions for referring to arbitration disputes as to bonus by-laws.

Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor Municipality," meaning of.

23. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

Proviso.

24. All municipalities or portions thereof interested in the change of gauge, construction, re-construction, equipment, or maintenance of the road of the said company, may grant aid by way of bonus to the said company, towards the change of gauge, construction, re-construction, equipment, or maintenance of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

By-law, what to contain.

25. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers

officers thereof, are hereby authorized to execute and issue in such cases respectively.

26. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same;

27. Within one month after the passing of such by-law, the said council and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law and otherwise act according to the terms thereof. and issue debentures.

28. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. Exchange of debentures.

29. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six weeks after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures. Provide.

30. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount Trusts of debentures.

amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto, Grey and Bruce Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

31. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities authorized to grant land

32. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from or agreement as to taxes.

33. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for completion

34. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

35. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way

way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year. Proviso.

36. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee, or give money or bonds, by way of bonus, to aid the making, equipment, and completion of said road (extension and branches), or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limit of the municipality granting the same. Agreements as to expenditure of bonus.

37. The company shall have power to construct a branch of their railway from some point in the Township of Turnberry, to the Town of Wingham, provided the same be commenced within two years and completed within five years after the passing of this Act, and sections numbers eighteen to thirty-six inclusive, shall apply to this Branch: Provided always that before the said company shall have or exercise any of the powers granted by or contained in this section, they shall give to the municipalities of the Township of Culross and the Village of Teeswater, a bond in the form set forth in Schedule A to this Act, and the damages or sum, if any, at any time hereafter recovered against the said company under such bond shall be a lien and charge upon the whole of the said railway and upon the rolling stock and equipment thereof, and shall rank equal in priority with the first mortgage debentures or bonds of the said company or the debenture stock, in case the said debentures or bonds are converted into debenture stock under the provisions of this Act; Provided further that nothing in this section shall affect the agreements made between the said company and any municipality. Power to construct branch to Wingham.
Proviso.

38. The said company shall have power to sell, free from any lien or encumbrance whatsoever created by them by virtue of this or any other Act relating to the company, any lands acquired by them which shall cease to be required for the use of their railway or their works. Sale of surplus land.

SCHEDULE A.

(Section 37.)

Know all men that we the Toronto, Grey and Bruce Railway Company are held and firmly bound unto the municipalities of the Township of Culross and the Village of Teeswater,

R jointly

jointly and severally, in the sum of forty-three thousand dollars, that is to say, to the Township of Culross in the sum of thirty-eight thousand dollars, and to the Village of Teeswater in the sum of five thousand dollars liquidated damages and not by way of a penalty.

Sealed with our seal, and dated this day of
A.D. .

Now the condition of the above written bond or obligation is such, that if the Toronto, Grey and Bruce Railway Company continue to run daily trains on their present line of railway to Teeswater as heretofore, accidents and reasonable temporary delays excepted, with the same accommodation for passengers and freight as heretofore supplied, then this obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.

CHAPTER 67.

An Act to incorporate the Toronto and Nipissing Eastern Extension Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS Henry S. Howland, Charles J. Pusey, William Gooderham, the younger, and John Leys, all of the City of Toronto, have petitioned for an act of incorporation for a company to construct a railway to be called the Toronto and Nipissing Eastern Extension Railway, from some point on the line of the Toronto and Nipissing Railway, through the Counties of Victoria, Peterborough, and Hastings, thence Easterly to the River Ottawa, and with power to build the same in sections; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said parties above named, together with such other persons and corporations as shall in pursuance of this act become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of the Toronto and Nipissing Eastern Extension Railway Company.

Location of line.

2. The company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out, construct and finish a Railway from some point on the line of The Toronto and Nipissing Railway Company through
the

the Counties of Haliburton, Victoria, Peterborough, and Hastings, thence Easterly to the River Ottawa, or to connect with existing lines, and shall have power to build the same in sections, as shall be deemed advisable.

3. The capital of the company hereby incorporated shall be ^{Capital.} one hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into four thousand shares, of twenty-five dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion, and working of the said railway, and the purposes of this Act.

4. Henry S. Howland, Charles J. Pusey, William Gooderham ^{Provisional} the younger, A. W. Humphreys, Joseph Gray, Rupert E. Kingsford, James Pearson and John Leys, shall be, and are hereby constituted, a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

5. The said board of provisional directors shall have full ^{Powers of provisional directors.} power to open stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; and to receive any grant, loan, bonus or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette*, and in some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions; and the said committee, or a majority of them, may in their discretion exclude any person from subscribing, who in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway.

6. As soon as shares to the amount of fifty thousand dollars ^{First election of directors.} of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or so soon as such subscriptions,

subscriptions, together with sums granted by municipalities either by way of bonus or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks in the Province, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in each of the counties affected, and in the *Ontario Gazette* of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors, together with the *ex-officio* directors under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

Application of
moneys de-
posited.

7. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act; nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Calls.

8. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call.

Annual meet-
ings.

9. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week for four weeks in some one newspaper in each of the counties which have granted bonuses or subscribed for stock.

Special meet-
ings.

10. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Qualification
of directors.

11. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company, upon which all calls have been paid up.

12. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Aliens may be shareholders.

13. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and directors may at any meeting of the board vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one or more of their number as paid directors. Quorum.

14. The said company may receive from any government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

15. It shall be lawful for any municipality, or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts. Aid from municipalities. Proviso.

16. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified Petitions for aid by other than county municipality.

fied voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality ;

(1) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition ;

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Petitions for aid by county municipality.

17. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

Council to pass by-law ;

18. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

and issue debentures.

19. Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate assessed on portion of municipality.

20. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act to apply.

21. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of the municipality to the same extent as if the same had been passed by or for the whole municipality.

22. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid. Rate not to exceed three cents on the dollar.

23. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years. Exemption from taxation.

24. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect to said debentures. Exchange of debentures.

25. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee, within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures. Proviso.

26. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, Trusts of debentures.
but

but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto and Nipissing Eastern Extension Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "A" hereto or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

27. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities empowered to grant lands.

28. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Extension of time for completion of works.

29. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

Power to issue preferential bonds

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and

and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid : Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of eight thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario and Quebec; and provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Limit to
bonds.

Proviso.

Proviso.

31. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president, or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Powers as to
promissory
notes, etc.

Proviso.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof which are not required for the purposes of the said railway from time to time as they may deem expedient, but

Right to ac-
quire lands and
gravel pits.

but the compulsory clauses of the Railway Act shall not apply to this section.

Compensation
for stone,
gravel, etc.

33. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject-matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits, etc

34. When said gravel, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Commence-
ment and
completion.

35. The railway shall be commenced within three years and finally completed within seven years after the passing of this Act.

Agreements
with other
companies.

36. The company incorporated by this Act may enter into any arrangement with any other railway company or companies
duly

duly authorized in that behalf, for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company, duly authorized as aforesaid, touching the use by one or the other, or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the share-
holders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

37. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Power to mortgage bonds.

38. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Transfer of shares.

39. Conveyances of lands to the said company for the purpose of, and powers given by, this Act, made in the form set out in the schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance.

40. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found
superfluous

Power to build warehouses, etc.

superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

Municipalities
may subscribe
for stock.

41. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act.

Telegraph
lines.

42. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Gauge.

43. The gauge of the said railway shall not be less than three feet six inches or more than four feet eight and one half inches.

Extension of
time.

44. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

SCHEDULE A.

(Section 26.)

CHIEF ENGINEER'S CERTIFICATE.

Toronto and Nipissing Eastern Extension Railway Company's Office, Engineer's Department, No. , A.D. 188 .

Certificate to be attached to cheques drawn on the Toronto and Nipissing Eastern Extension Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Toronto and Nipissing Eastern Extension Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of

(or under the agreement dated the day of between

between the Corporation of _____ and the
 said company) to entitle the said company to receive from the
 said trust the sum of _____
(here set out the terms
and conditions, if any, which have been fulfilled).

SCHEDULE B.

(Section 39.)

Know all men by these presents, that I, (or we) *(insert the names of the vendors)* in consideration of _____
 dollars paid to me (or us) by the Toronto and Nipissing
 Eastern Extension Railway Company, the receipt whereof is
 hereby acknowledged, do grant and convey, and I (or we)
(insert the names of any other party or parties) in considera-
 tion of _____
 dollars paid to me (or us) by the said
 company, the receipt whereof is hereby acknowledged, do
 grant or release all that certain parcel (or those certain parcels)
(as the case may be) of land situated *(describe the lands)* the
 same having been selected and laid out by the said company
 for the purposes of their railway, to hold with the appurten-
 ances unto the said Toronto and Nipissing Eastern Extension
 Railway Company, their successors and assigns *(here insert*
any other clauses, covenants or conditions required), and I,
 (or we) the wife (or wives) of the said _____ do
 hereby bar my (or our) dower in the said lands ;

As witness my (or our) hand and seal (or hands and seals),
 this _____ day of _____ one thousand eight
 hundred and _____

Signed, sealed and delivered in }
 the presence of _____

[L.S.]

CHAPTER 68.

An Act respecting the Toronto and Ottawa Railway
 Company.

[Assented to 5th March, 1880.]

WHEREAS the Toronto and Ottawa Railway Company Preamble.
 have, by their petition, prayed for an Act consolidating
 and amending the several Acts relating to the Toronto and
 Ottawa Railway Company, formerly the Huron and Quebec
 Railway Company, and for the extension of time for the com-
 mencement

mencement and completion of their proposed road, and for the legalization of certain by-laws granting aid, by way of bonus, to the said company, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rights vested
in shareholders.

1. All the rights, powers and privileges intended to be vested in the Toronto and Ottawa Railway Company, under the several statutes passed by the Legislature of the Province of Ontario, relating to said company, are hereby declared to be vested in the shareholders of the said company, under the name of "The Toronto and Ottawa Railway Company."

Existing contracts not
affected.

2. All contracts made heretofore by or with the said company, and which are now legal and subsisting, and all the rights and liabilities of and against the said company, shall continue in all respects binding upon, and in favour of, the said company, and shall not be altered or affected by any provision of this Act.

Acts done to
be considered
as done under
this Act.

3. All purchases made, deeds taken, proceedings had, and acts done, in the location and construction of said railway, by the said company, shall be held and taken to have been had and done under this Act.

Directors continued in
office.

4. The present directors of the said company, shall continue in office, and shall, with the *ex officio* directors be the directors of the said company, until the election to be holden under this Act, and until their successors be duly elected.

Calls, &c.,
confirmed.

5. All calls made and acts heretofore done under the said Acts in the first section of this Act mentioned, by the directors of the company, and otherwise legally made or done, are hereby declared to have been made and done by a lawfully constituted Board of Directors, and are hereby confirmed, and the same shall, notwithstanding the passing of this Act, continue and be binding on all persons who are now liable therefor, and any call made and act done by said directors shall be taken to have been made and done under the said Acts.

Certain clause
of R. S. O. c.
165, incorporated.

6. The several clauses of the Railway Act of Ontario and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares, and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions" shall be incorporated with, and deemed to be a part of, this

this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

7. The said company shall have full power, under this Act, to construct a railway from any point in or near the city of Toronto to some point in the city of Ottawa, by way of the town of Peterborough.

8. The said railway shall be of the gauge of four feet and eight and one-half inches.

9. It shall be lawful for the said company to enter into any agreement with any other railway in the Province of Ontario lawfully authorized in that behalf, for leasing the said railway, or any part thereof, to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use, by one or the other, or by both companies, of the railway or moveable property of either, or of both, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement, shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Provided, the said leases, agreement or agreements, have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two thirds of the shareholders present, either in person or by proxy; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

10. Conveyances of land to the said company for the purposes of and powers given by this Act may be in the form set out in the schedule "A" hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including

including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Power to exclude persons from subscribing for stock in discretion of directors.

11. The directors, may, in their discretion, exclude any person from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Capital.

12. The capital of the company is hereby declared to be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, to be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock, or be allowed in part payment of bonuses granted by such municipality.

Existing subscriptions for stock to be binding.

13. All subscriptions for stock made before the passing of this Act, and which at the time of the passing of this Act are subsisting, shall be taken and held to be valid and binding as if duly subscribed and taken under this Act, and all persons and corporations who at the time of the passing of this Act are *bona fide* shareholders in said Company, shall be held and taken to be shareholders of the said company under this Act.

Payment at time of subscription.

14. On the subscription hereafter for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Calls.

15. Calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed

subscribed by each subscriber, and at intervals of not less than thirty days.

16. The affairs of the company shall be managed by a ^{Directors.} board of nine directors in addition to the directors who are such *ex officio*.

17. It shall be lawful for the directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. ^{Payment in anticipation of calls.}

18. The general annual meetings for the election of directors and other purposes, and special meetings of the shareholders of the said company shall be held in such place and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Toronto, Ottawa and Peterborough respectively, and such notices shall be continued once in each week until after the day of meeting. ^{Place and time of holding general meetings.}

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting. ^{Votes.}

20. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy. ^{Representation of stock of corporations.}

21. No person shall be qualified to be elected as a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. ^{Qualification of directors.}

22. Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. ^{Quorum.}

23. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards ^{Aid to company.} the

the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

24. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of, the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

Proviso.

Provisions as to bonus by-laws.

25. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities, forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

Grouping minor municipalities.

26. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other

other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

27. In case of aid from a county municipality or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the Treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

28. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied on portion of county grouped.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

30. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

"Minor Municipalities," meaning of.

31. All municipalities or portions thereof interested in the construction of the proposed road of the said company, may grant aid by way of bonus to the said company, towards the construction

Rate not exceeding three cents in the dollar valid.

Proviso.

construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

By-law what to contain.

32. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

Proviso.

(2) For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively; provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

By-law rejected, not to be submitted again for six months.

33. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality until after the expiration of six months from such rejection.

If by-law carried, council to pass same;

34. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue debentures.

35. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue the debentures authorized to be issued by such by-law.

Exchange of debentures.

36. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of

of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

37. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee, or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

38. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the municipal by-law in relation thereto as to time and manner, to convert the same into money: Secondly, to deposit the amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto and Ottawa Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, which certificate is to be attached to the cheque drawn by the said trustees for such payments, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

39. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

40. Any municipality through which the said railway may pass

authorized to grant land.

pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from or agreement as to taxes.

41. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-laws specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for completion.

42. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power by resolution or by-law) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

43. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution, or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year.

Proviso.

Payment of costs of by-law by municipalities.

44. It shall be lawful for the council of any township, town, or county municipality interested in the said road (extension, branches, or any of them), and without complying with the requirements of any Act providing for the creation of debts by municipal corporations, on behalf of such township or county municipalities, to bear all or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or to give the said company a bonus on account of such costs, charges and expenses: Provided always, that no such bonus shall exceed five thousand dollars.

Proviso.

Agreements as to expenditure of bonus.

45. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee, or give money or bonds, by way

way of bonus, to aid the making, equipment, and completion of said road (extension and branches), or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limit of the municipality granting the same.

46. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twenty thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

Issue of bonds
by company.

Proviso.

Proviso.

47. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note, made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that

Promissory
notes.

Proviso.

that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Acquiring
stone, gravel,
&c.

48. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits,
&c.

49. When the said gravel, stone, or other materials, shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be, and all the provisions of the Railway Act and of this Act relating to the said company, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Acquiring
whole lots
where less
would suffice.

50. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, sidings, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto,
if

if the same be separated from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient ;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of "The Railway Act of Ontario" shall not apply.

51. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act. Power of municipalities to subscribe for stock.

52. For the purpose of constructing, working and protecting the telegraph lines on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. Telegraph lines.

53. It shall be competent for the board of directors of the company, with the sanction and authority of the shareholders, to issue, as paid up stock in the said company, whether now subscribed for or not, and allot and pay such stock and mortgage bonds of the company in payment of rights of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and other persons, whether directors of the company or otherwise, who may have been, are or may be engaged in and about the prosecution of the proposed undertaking : Provided that no such stock or bonds shall be allotted to any director or directors of the said company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the company. Payment for right of way, &c., in stock or bonds. Proviso.

54. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and to pay therefor, either in cash or bonds, or in paid up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company ; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same. Contracts for construction. Proviso.

55. All and singular the clauses and provisions of the said several acts relating to the said Company that may not have been hereby consolidated, shall nevertheless continue and remain in force, except in so far as the same may be inconsistent with the provisions of this Act. All provisions of former Acts continued when not inconsistent with this Act.

56. The time for the commencement of the said proposed road Time of commencing road

mencement
and comple-
tion extended.

road is hereby extended until the first day of May, one thousand eight hundred and eighty-two, and for the completion thereof until the first day of December, one thousand eight hundred and eighty-seven, but nevertheless such extension of time shall not affect or prejudice any of the conditions, stipulations and enactments contained in any by-law now or hereafter passed granting aid by way of bonus to the said company.

By-laws con-
firmed.

57. The several municipal by-laws hereinafter mentioned and set forth granting aid by way of bonus to the said company are hereby declared legal, valid, and binding, notwithstanding any defects of form or substance therein or in relation to the passing thereof, that is to say:—

A by-law of the corporation of the County of Peterborough, granting aid by way of bonus to the said company, to the amount of one hundred and fifty thousand dollars, and finally passed on the eleventh day of November, one thousand eight hundred and seventy-five, as amended by a by-law of the said corporation, submitted to the ratepayers of the said County of Peterborough, to be voted on on the twenty-first day of February, one thousand eight hundred and eighty, when approved of by the ratepayers and finally passed by the Council of the said corporation; a by-law of the corporation of the city of Ottawa, granting aid, by way of bonus, to the said company, to the amount of two hundred thousand dollars, approved by the vote of the ratepayers of the said city of Ottawa so soon as the same is finally passed by the council of the said city of Ottawa; a by-law of that part of the municipality of the county of Lanark comprised in the townships of Sherbrooke South, Burgess North, Elmsley North, Bathurst, Drummond, and that part of the township of Beckwith south of the ninth concession line, and that part of the township of Montague north of the eighth concession line, granting aid, by way of bonus, to the said company, to the amount of seventy-five thousand dollars; a by-law of the corporation of the village of Madoc, granting aid, by way of bonus, to the said company to the amount of five thousand dollars, and finally passed on the nineteenth day of January, one thousand eight hundred and eighty; a by-law of the corporation of the United Townships of Marmora and Lake granting aid, by way of bonus, to the said company, to the amount of ten thousand dollars, and finally passed on the first day of December, one thousand eight hundred and seventy-nine; a by-law of the corporation of the United Townships of Elzevir and Grimsthorpe granting aid, by way of bonus, to the said company, to the amount of twelve thousand dollars, and finally passed on the twenty-second day of December, one thousand eight hundred and seventy-nine; a by-law of the corporation of the United Townships of Kaladar and Anglesea granting aid, by way of bonus, to the said company, to the amount of ten thousand dollars, and finally passed on the twentieth day of December, one thousand eight hundred and seventy-nine;

seventy-nine; provided that nothing herein contained shall prejudicially affect any proceeding now pending or which may hereafter and within three months after the passing of this Act be commenced for the purpose of quashing the said by-law of the Corporation of the County of Lanark; and provided also that the several provisoes, stipulations, conditions, and restrictions with reference to the said railway, or any part thereof, or the location, construction or maintenance thereof or otherwise contained in the said by-law of the City of Ottawa, granting a bonus to the said Company, shall be at all times kept, observed and performed by, and shall be obligatory and binding upon the said company; and provided also that nothing herein contained shall prejudicially affect any proceeding now pending or which may hereafter within three months after the passing of this Act be commenced for the purpose of quashing the said amending by-law of the corporation of the County of Peterborough.

SCHEDULE "A."

(Section 10.)

Know all men by these presents that I (or we) (*insert names, residences and occupations of the vendors*) in consideration of _____ dollars paid to me (or us) by "The Toronto and Ottawa Railway Company," do grant, convey and release unto the said company all that (or those) certain parcel or tract of land and premises, situate (*insert description of property*), the same having been selected by the said company for the purposes of their said railway, to hold the same unto the said "The Toronto and Ottawa Railway Company," their successors and assigns, and to their use for ever (or, *as the case may be*) (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)
this day of , A.D. 18 .

Signed, sealed and delivered in
the presence of

[L.S.]

CHAPTER 69.

An Act further to amend the Act incorporating the
Trent Valley Railway Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Trent Valley Railway Company have petitioned the Legislature for certain amendments to their Act of incorporation, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-six, and amended by an Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 50 of 36
Vic., c. 76,
amended.

1. Section fifty of the said Act of incorporation is hereby amended by inserting after the word "company" in the second line, the words "or any other railway company lawfully authorized to enter into such agreement."

Ss. 6 and 7 of
38 Vic., c. 58,
repealed.

2. Sections six and seven of the said amending Act are hereby repealed.

Time extend-
ed.

3. The time for the commencement of said railway, as mentioned in the forty-seventh section of the said recited Act, and in the eighth section of the said recited amending Act, shall be and is hereby extended to two years from the passing of this Act, and the time for the completion of the said railway in the Townships of Madoc and Marmora is hereby extended to five years from the passing of this Act: Provided always that nothing in this Act contained shall affect any right of any municipality or person heretofore acquired or now existing under section nine of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chapter seventy-six.

Proviso.

CHAPTER 70.

An Act to extend the time for completing the Victoria
Railway.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Victoria Railway Company have, by their petition, asked that the time for the completion of their
railway

railway to the River Ottawa be extended, and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The time for the completion of the railway of the Victoria Railway Company is hereby extended to the first day of January, one thousand eight hundred and eighty-five. Time for completion extended.

CHAPTER 71.

An Act to incorporate the Victoria Extension Railway Company.

[Assented to 5th March, 1880.]

WHEREAS John Henry Delamere, Charles Dobyn Curry, William Gainor, William Hartle, James Findlay, Andrew Brown, Joseph Robinson Young, John Rutherford Calvert, Edmund Baldwin Munn, Frederick James Shore, William John Lindsay, John Pearce, John Dancey, and James Buck, have petitioned the Legislature of the Province of Ontario for an Act of incorporation to construct a railway from some point on the Victoria Railway to the Village of Minden, and thence in a northerly direction to Trading Lake, and to connect with any other railway now built or which may hereafter be built tending northwards; and whereas it is expedient to grant the prayer of the said petition : Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said parties above mentioned, together with such persons and corporations as shall become shareholders in the said company hereby incorporated, shall become and are by this Act constituted a body corporate and politic by and under the name of "The Victoria Extension Railway Company." Incorporation.
Corporate name.

2. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out, construct and finish a single or double iron railway from some point on the Victoria Railway to the Village of Minden, and thence in a northerly direction to some point on the waters of Trading Lake, and with power to build the same in sections, and to connect with any other railway now built, or which may hereafter be built tending northwards, with full power and authority to pass over any part of the country between the points aforesaid. Location of line.

Power to build wharves, store-houses, etc.

3. The said company shall also have power to construct on any river, stream, or lake near to said railway such wharves, piers, warehouses, or other works as may be required for the use of the said company.

Power to build and navigate vessels.

4. The said company shall have power to construct, purchase, charter, and navigate, boats or vessels of any description on the waters adjacent to or connecting with the said line of railway.

Capital stock.

5. The capital stock of the company hereby incorporated shall be fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into one thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in the said company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

Ten per centum to be paid on stock.

6. No subscription for stock in the capital of the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank, to be designated by the directors, to the credit of the company within one month after the same has been so subscribed.

Provisional directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so appointed, shall become and be provisional directors of the company equally with themselves; to open stock-books and to procure subscriptions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be executed; and to cause a general meeting of the shareholders for the election of directors, as hereinafter provided, and with all such other powers as under the "Railway Act" are vested in such boards; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette* and in one paper published in the county of Victoria, of the time and place of meeting to open such books, and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company in proceeding with their railway.

Powers of provisional directors.

Application of money paid on stock.

8. The sums paid upon subscriptions for stock shall not be withdrawn from the bank, except for the purposes of this Act.

9. The directors for the time being may from time to time Calls. make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section seven.

10. When, and as soon as shares to the amount of twenty Meeting for election of directors. thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them, present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in the county of Victoria and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, and who shall, before or at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter mentioned, who together with *ex officio* directors under the Railway Act or this Act, shall constitute a Board of Directors, and shall hold office until the first Monday in May in the year following their election.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week, for four weeks, in a newspaper published in the county of Victoria. Annual meetings.

12. Special general meetings of the shareholders of the said Special meetings. company may be held at such places and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

13. In the election of directors under this Act, no person Qualification of directors. shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all calls have been paid up.

14. Aliens, as well as British subjects, and whether resident Aliens. in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

15. At all meetings of the board of directors, five directors Quorum. shall form a quorum for the transaction of business; and the said

said board of directors may employ one of their number as paid director.

Scale of votes.

16. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him ; and no shareholder shall be entitled to vote on any matter whatever unless all calls upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Aid to company.

17. The said company may receive from any Government, or from any person or body corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, vessels, buildings, or constructions, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

18. Any municipality, or any portion of a township municipality, which may be interested in the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

Proviso.

Provisions as to bonus by-laws.

19. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount ; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act ;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid ;

(4) In the case of the section of a township municipality, the

the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

20. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

21. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

"Minor Municipality," meaning of.

23. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Provided.

24. Such by-law shall in each instance provide:—

T

(1) By-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law
carried,
council to
pass same;

25. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue
debentures.

26. Within one month after the passing of such a by-law, the said council and the warden, reeve or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Council may
extend time.

27. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company, and they shall have full power, to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Commence-
ment and com-
pletion.

28. The railway shall be commenced within one year, and completed to Mountain Lake within two years, and finally completed to the waters of Trading Lake within ten years after the passing of this Act.

Agreements
with other
companies.

29. The company incorporated by this Act may enter into any arrangement with any other railway company or companies duly authorized in that behalf for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company duly authorized as aforesaid touching the use by one or the other or by both companies, of the railway or rolling stock,

stock, or either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

30. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer, *pro rata*, with all the other holders thereof upon the undertaking and the property of the company as aforesaid: provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of eight thousand dollars per mile; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

31. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding

binding on the said company ; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn ; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, be individually, responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted : Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Power to mortgage bonds.

32. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act, issue for the construction of the railway, or otherwise.

Exchange of debentures.

33. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for debentures.

34. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within four months after passing of the by-law authorizing the same, be delivered to three trustees to be named—one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses ; all of the trustees to be residents of the Province of Ontario ; Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees ; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council ; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of debentures.

35. The said trustees shall receive the said debentures in trust ;

trust; firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion in the name of the "Victoria Extension Railway Company Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company in the form set out in Schedule "A" hereto, or to the like effect setting out how the money is to be applied and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of five hundred dollars recoverable in any county court by any person who may sue therefor.

36. The trustees shall be entitled to their reasonable fees and charges from such trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees of trustees; act of two trustees to be binding.

37. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell, or otherwise dispose of the same for the benefit of the said company. Municipality may grant lands.

38. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein. Exemption from or agreement as to taxes.

39. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year. Extension of time for commencement. Proviso.

The company may delegate powers to one or more directors.

40. Should the shareholders of the company resolve that the interests of the company would be best promoted by giving the company power to enable one or more of the directors to act for the company in several particulars, it shall be lawful for the said company, with such consent, to give such power.

Directors may make certain payments in paid up stock or in bonds.

41. The directors to be elected by the shareholders may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, or plant, or rolling stock; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be of material aid in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters, or other persons, be provisional directors or not.

Powers of the company to acquire stone, gravel, etc.

42. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings and tracks to lands to take gravel, etc.

43. When said gravel, or stone, or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to the said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised, to obtain the right of way from the railway to the land on which such materials are situated; and such right may be

be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of "The Railway Act of Ontario," shall not apply.

44. The gauge of the said railway shall be four feet eight Gauge. and one-half inches.

45. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule (Schedule "B") hereunder written or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof. Form of conveyance.

46. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of the shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

47. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act, on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act, for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company. Telegraph lines.

48. The by-law of the corporation of the provisional county of Haliburton granting aid to the proposed Victoria Extension Railway Company to the amount of twenty thousand dollars, approved of by the ratepayers on the seventeenth day of January one thousand eight hundred and eighty, and finally passed on the twenty-seventh day of January of the same year, is hereby declared legal, valid and binding, notwithstanding any defects of form or substance therein, or in relation to the passing thereof. By-law of county of Haliburton confirmed.

SCHEDULE A.

(Section 35.)

Chief Engineer's Certificate.

The Victoria Extension Railway Company's Office, Engineer's
Department, No. A.D. 188 .

Certificate to be attached to cheques drawn on the Victoria Extension Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer for the Victoria Extension Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company,) to entitle the said company to receive from the said trust the sum of
(here set out the terms and conditions, if any, which have been fulfilled.)

SCHEDULE B.

(Section 45.)

Know all men by these presents, that I (or we) [*insert the name or the names of the vendors*]
in consideration of dollars paid to me (or us) by the Victoria Extension Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of the railway, to hold with the appurtenances unto the said Victoria Extension Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we), the wife (or wives) of the said
do hereby bar my (or our) dower in the said lands.
As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }
in presence of }

(L.S.)
CHAPTER

CHAPTER 72.

An Act to amend the Act incorporating the Windsor and Essex Centre Railway Company.

[Assented to 5th March, 1880.]

WHEREAS the Windsor and Essex Centre Railway Company has petitioned the Legislature for certain amendments to its Act of incorporation, by extending the main line of the said railway to the village of Leamington, in the township of Mersea, and for certain other amendments; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The third section of the Act passed in the forty-second year of the reign of Her Majesty, Queen Victoria, chaptered seventy-one, incorporating the Windsor and Essex Centre Railway Company is hereby amended, by striking out the words “a distance of ten miles or thereabout, to the village of Kingsville, on Lake Erie, in the township of Gosfield,” and substituting therefor the following: “to a point in the township of Gosfield, at or near the village of Kingsville, and thence on to the village of Leamington; or if deemed more expedient, the said line may be extended direct from Essex Centre to the village of Leamington, on Lake Erie.” Sec. 3 of 42
Vic., c. 71
amended

CHAPTER 73.

An Act to incorporate the Flos Tramway Company.

[Assented to 5th March, 1880.]

WHEREAS Wesley Fletcher Orr, of the town of Barrie, in the county of Simcoe, gentleman, Britton Bath Osler, of the city of Hamilton, in the county of Wentworth, esquire, Edmund Boyd Osler and Robert Cochran, both of the city of Toronto, in the county of York, esquires, have petitioned that an Act may be passed incorporating them under the name of the “Flos Tramway Company,” and authorizing the construction, operation, and maintenance of a tramway from a point at or near the Elmvale Station on the line of the North Simcoe Railway to a point at or near Orr Lake on the highway known as the Penetanguishene Road; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation. 1. The said Wesley Fletcher Orr, Britton Bath Osler, Edmund Boyd Osler and Robert Cochran, and such other persons and corporations as shall in pursuance of this Act become shareholders, are hereby constituted a body corporate and politic, by the name of the "Flos Tramway Company."

R. S. O., c. 165, to apply. 2. The Railway Act of Ontario, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "actions for indemnity, and fines and penalties and their prosecution," are incorporated with and form a part of this Act, and shall apply to the said company, and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall include the clauses of the said Railway Act of Ontario so incorporated with this Act.

Location of line. 3. The said company shall have full power under this Act to construct, maintain and operate a tramway from any point at or near the Elmvale Station, on the line of the North Simcoe Railway, to a point at or near Orr Lake, on the highway known as the Penetanguishene Road, and to such other points within the distance of five miles from Orr Lake as may hereafter be determined upon, with full power to pass over any portion of the country between the points aforesaid; and the company shall haul, or permit to be hauled over its line, all traffic offered at such rates and subject to such terms and conditions, as may from time to time be settled by the Lieutenant-Governor in Council.

Gauge. 4. The said tramway may be of any gauge.

Agreements with other companies. 5. The company shall have power to lease iron and other material, for any term of years, from any railway company lawfully authorized to enter into such agreement, and they shall, also, have the power to sell or lease the said tramway to any railway company, or to make any agreement with any railway company lawfully authorized in that behalf, for operating, or partially operating, the said tramway.

Aid to company. 6. The said company may receive, from private individuals, or from any municipality, any bonus or gift for the extension of the said tramway within the distance authorized by this Act.

7. The conveyance, by the said petitioners, of that part of the said tramway now constructed, to the said company, shall vest the same in the said company as if constructed by them under this Act. Conveyance of existing tramway to company.

8. The said company may, but shall not be bound to, operate the said tramway for passenger traffic. Carriage of passengers by company.

9. The company may, at the end of eight years or at any subsequent period, abandon and relinquish the said tramway, and take up and remove all rails, ties, and other material used in the construction thereof, and, in such case, all lands acquired for the purposes of the said tramway shall forthwith thereafter vest in the owner of the lands respectively severed by the said tramway, or in the person now owning the same, his heirs or assigns. Right to abandon tramway. Lands taken to vest again in original owners.

10. The number of directors of the said company shall be four, who shall be elected annually at a general meeting of the shareholders, to be held at the office of the company, in the city of Toronto, on the first Monday in February in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in February, in the year of our Lord one thousand eight hundred and eighty-one, and the method of calling general meetings shall be determined and settled by by-law of the directors. Number of directors and mode of election.

11. The said Wesley Fletcher Orr, Britton Bath Osler, Edmund Boyd Osler, and Robert Cochran shall be the first directors of the said company. First directors.

12. The capital of the company hereby incorporated shall be fifteen thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into one hundred and fifty shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment and completion of the said tramway. Capital.

CHAPTER 74.

An Act to incorporate the Southern Fire Insurance Company.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, John Farley and others, have petitioned the Legislature of the Province of Ontario, that a company be incorporated under the name of "The Southern Fire Insurance Company," for the purpose of carrying on the business of fire insurance and insuring property against danger of injury by fire, lightning, explosion or other cause of injury or loss, and of reinsuring property, real and personal, insured by any other persons or company; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, Joseph Mickleborough, Duncan McLarty, John Farley, Donald K. McKenzie, Henry Brown, John C. Lindop, Thomas L. Lindop, and Samuel Shepard, and all such other persons as shall become shareholders of the said company shall be, and are hereby constituted and declared to be, a body corporate and politic by the name, style and title of "The Southern Fire Insurance Company," and by that name shall and may have perpetual succession, and a common seal, with power to alter and change the same at pleasure, and may sue and be sued, contract and be contracted with, in the corporate name, and for all or any of the objects aforesaid.

Powers.

2. The said company shall have power and authority, subject to the provisions of this Act, and of any general Act in that behalf, to effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning, on any house, store or any building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations as may be bargained and agreed upon or set forth by and between the company and the person or persons agreeing with them for such insurance, and generally to do all matters and things relating to or connected with fire insurance as aforesaid, and to make and to grant all policies therein, and thereupon; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Stock.

3. The capital stock of the said company shall be two hundred

dred thousand dollars, divided into two thousand shares of one hundred dollars each; provided that the shareholders may at any special meeting called for that purpose, increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding on the whole, five hundred thousand dollars; but no shareholder shall have the right to vote or participate in any way in the proceedings or profits of the company in respect of any share until ten per centum thereof shall have been actually and *bona fide* paid thereon.

4. None of the persons or bodies corporate, who may subscribe for stock, shall be liable for any further sum than the unpaid amount upon the stock subscribed by them. Liability of shareholders

5. Until the first annual election hereafter provided for, the provisional board of directors shall consist of the said Provisional Directors; Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, Joseph Mickleborough, Duncan McLarty, John Farley, Donald K. McKenzie, Henry Brown, John C. Lindop, Thomas L. Lindop, and Samuel Shepard, who shall be the directors of the company until others have been chosen as hereinafter provided for.

6. The provisional board of directors shall have power to their powers. open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of directors shall be seven until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen nor less than five.

7. When fifty thousand dollars of the capital stock is subscribed, and five thousand dollars paid in to one or more of the chartered banks in the Province, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the company, the provisional directors shall by advertisement in one or more newspapers published in the town of St. Thomas, in the Province of Ontario, call a meeting of the shareholders to elect a board of directors to manage the affairs of the company under this act; Provided Election of directors. always that until two hundred thousand dollars of stock shall be subscribed, and ten per centum paid thereon and a license to carry on business in Ontario has been obtained, the company shall not take any risk or do any business of insurance. Proviso.

8. The board of directors shall have power to call for ten per centum of the subscribed stock, so soon as they deem it expedient to do so, and to make calls for the remainder thereof in such sums or amounts, and at such times, upon the shares of the respective shareholders, as they may deem requisite for the purposes and interests of the company, and to sue for and enforce the payment of all or any of such calls, and may declare Powers of directors. all

Quorum.

Honorary and local directors.

Qualification of directors.

Calls.

Forfeited shares, if unsold to revert to owners on payment of

Evidence in actions for calls.

Power to re-insure.

Powers as to conditions,

all shares forfeited on which such calls or any of them have not been duly paid, and may re-issue any such forfeited stock, and may allot the same or any part thereof to any person, or corporation, or sell the same or any part thereof; they shall also have power to fill vacancies in the board, occurring between the annual meetings of shareholders hereinafter provided for, from time to time as they occur; to appoint officers and agents, and to fix their remuneration and term of office (if necessary), and define and approve of their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all matters and things connected with the business of the company; at all meetings of the directors three members of the board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the president, vice-president or presiding director shall give the casting vote, in addition to his vote as a director; the directors may also appoint honorary directors, or local directors, in any city, town or village in which the company transacts business, with such duties, powers and remuneration as they may deem proper, for the supervision of the business of the company in such places; but no person shall be qualified to be elected a director unless he holds (either in his own right or as a trustee) ten shares, nor as local director unless he holds five shares in the stock of the company, whereon the calls made shall have been paid.

9. The remainder of the shares after payment of the first call of ten per cent. may be called for in such instalments as a majority of the directors may determine upon; but such instalments shall not be called for or become payable in less than sixty days after public notice shall have been given in at least one newspaper published in the town of St. Thomas.

10. If payment of the arrears of such subsequent instalments, interest, costs and expenses be made before any share or shares forfeited and vested in the company have been allotted or sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such instalments had been duly paid.

11. It shall only be necessary to prove in case of actions for arrears of calls, that the defendant was the owner of one or more shares in the company; that such calls were in fact made, and that notice was given as directed to be given by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever.

12. The company shall have power and authority to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business.

13. The board shall, subject to the provisions of any general Act

Act relating to policies of insurance, in their conditions, fix the rates at, and rules and conditions under, which the company's policies shall be issued, transferred or re-purchased, and shall have charge of the investment of the funds of the company, which may be invested in mortgages on real estate, in any of the public securities of the Dominion of Canada, or of any of the Provinces forming or to form said Dominion, in the bonds and debentures of any of the incorporated cities, towns, or municipal corporations of Ontario; the company may hold such real estate, not exceeding the annual value of five thousand dollars, as is required for offices and such other estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered; Provided that all such last mentioned real estate shall be sold within five years from the time of its becoming the absolute property of the company.

rates and
investments.

Proviso.

14. No transfer of any share of the stock of the company shall be binding or valid until entered in the books of the company, according to such form as the directors shall from time to time appoint and determine upon, and until all of the calls on the share to be transferred are paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; and the transferee of such share shall from the time of such entry in the company's books be liable for the unpaid balance of such share, in the same manner as was the original holder thereof: Provided always that no stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend, or vote on his stock, until such debt is paid, or secured to be paid, to the satisfaction of the directors; and the transmission of interest in any share of the stock of the company, in consequence of the marriage, insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct.

Transfers of
stock.

Proviso.

15. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the stockholder, his attorney or agent, in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not
bound to see to
execution of
trusts.

16. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for

Penalty for
paying dividend,
if capital
thereby im-
paired.

for the amount of the dividend or dividends so paid ; but if any director, present when such dividend is declared, do forthwith, or if any director, then absent, do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at or as near as may be possible to the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

Trustees
entitled to
vote.

17. Every executor, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder.

Head office.

18. The head office of the company shall be in the town of St. Thomas, in the County of Elgin, and Province of Ontario.

Accounts to be
balanced and
submitted to
shareholders
annually.

19. Until otherwise ordered and determined by the board, the books shall be annually balanced, as at the thirty-first day of December once in each year ; and within three months of the first day of January, in each year, a general meeting of shareholders shall be called by the board, at which a full statement of the company's affairs shall be submitted ; and two weeks' notice of such meeting shall be given by advertisement in at least one newspaper published in the town of St. Thomas aforesaid.

Votes.

20. At such general meeting shareholders shall have one vote for each share on which all calls are paid, which he, she, or they shall have held (except in the case of the first meeting for election of directors) in his, her or their name or names, at least one month prior to the time of voting, and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder, unless otherwise provided for by the board ; the shareholders shall at such meeting appoint directors by ballot, unless the election is unanimous, but all other proceedings shall be determined by open vote, but the company shall not be dissolved by failure to elect directors as above ; corporations holding stock in the company may be represented at such meetings by their chief executive officers, and such officers may be appointed directors, although they themselves hold no stock in the company ; and the shareholders shall decide the remuneration, if any, to be paid to the directors and the president and vice-president.

Special
meetings.

21. Special meetings of the shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock, and one month's notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail, and two weeks' notice thereof shall be given by advertisement in at least one newspaper

newspaper published in the said town of St. Thomas; lists of the shareholders shall be at all times accessible to any of them.

22. The company shall be subject to the provisions of chapter one hundred and sixty of the Revised Statutes of Ontario, intituled "An Act respecting Insurance Companies," and to all other general laws in force, or that may hereafter be in force, respecting Fire Insurance Companies. R. S. O., c. 160, to apply.

CHAPTER 75.

An Act to provide for the amalgamation of the City Gas Company and the City Steam Heating Company of London, Ontario, and to extend the powers of the amalgamated Companies.

[Assented to 5th March, 1880.]

WHEREAS the City Gas Company have, by their petition, set forth that they desire to have their powers extended, and that certain other amendments may be made in the Act or Charter relating to the said Company, and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said Company to manufacture, store, and sell heat derived from other sources than coal-gas, and also steam or other motive power obtainable by means of any illuminating or heating agent used in the manufactures of the Company. Power to sell heat, steam, &c.

2. It shall and may be lawful for the said Company, from time to time, to acquire, by purchase or otherwise, any patent or other rights for the manufacture, production, use and sale of electric, galvanic or other artificial light or illuminant or gas for heating or cooking purposes, and to sell said patent or other rights or any of them, if, in the opinion of the directors, unsuitable for the purposes of the Company. Power to acquire patents.

3. For the purposes of manufacturing and of distributing said light or illuminant other than gas, and of manufacturing and of distributing said gas for heating or cooking purposes, and said steam or other motive agent or power, the said Company shall have and enjoy all the powers and privileges now held and enjoyed by said Company for the manufacture and distribution of gas for lighting purposes, and shall be subject to all the same duties that they are now subject to so far as the said Company to enjoy existing privileges and be subject to existing duties.

said powers, privileges and duties *mutatis mutandis* are respectively applicable for the purposes of this Act; and for the purposes of manufacturing and distributing such artificial light or illuminant other than gas, and such gas, for heating or cooking purposes, and such steam or other motive agent or power as aforesaid, the said Company shall have the power, from time to time, to erect, alter, improve, enlarge, extend, and renew, or discontinue works, buildings, storehouses, including places for storing such gas, light, heat, or motive power, motors, generators, poles and all other machinery or apparatus upon all lands now owned, leased or used by the said Company, or hereafter to be owned, leased or used by the said Company as authorized by its charter, and to lay down, set up, maintain, renew and remove in and upon and under the streets, squares and public places of the City of London, the Villages of London East and Petersville and the Townships of London and Westminster, all wires, tubes, pipes, posts and all other apparatus to enable said Company to supply and distribute such gas or other light and steam or other motive agent or power, and all the provisions made by the said Act of incorporation and amending Acts for the protection of the gas to be manufactured and distributed by the Company thereunder, and for the protection of the property of the Company and the penalties and liabilities imposed thereby on any person or persons injuring the same or illegally using the same, shall apply to the gas and artificial light or illuminant and steam or other motive agent or power as aforesaid which the Company are hereby authorized to manufacture, and to the machinery, wires, apparatus and property of the Company required for the manufacture and distribution and use by the Company and its customers of such gas and artificial light or illuminant, steam or other motive power or agent as aforesaid: Provided that the rights and powers granted to the said Company by this section to make use of the streets and squares and public places of London, London East, Petersville, Township of London and Township of Westminster, as far as the same relate to steam or other motive agent or power or to electric, galvanic or other artificial light or illuminant other than gas, shall not be exercised except under and subject to any agreements hereafter to be made between the Company and the said municipalities respectively, or of any of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities, or of any of them, passed in accordance therewith, and as to the right to erect poles and conduct such pipes or wires for the transmission of such steam or other motive power or of electric, galvanic or other light or illuminant other than gas through, under and along private property, the same shall be subject to sections eighty-two, eighty-three, eighty-four and eighty-five of the Act respecting Joint Stock Companies for supplying cities, towns and villages with gas and water, chapter one hundred and fifty-seven, Revised Statutes of Ontario, and the said sections shall be read as forming part of this Act.

Proviso.

4. Upon the execution by the president and secretary for the time being of the City Steam Heating Company, and by the president and secretary for the time being of the City Gas Company, of a declaration to the effect that it is their intention that an amalgamation of their Companies shall take place, and upon such declaration being filed in the office of the Provincial Secretary, the City Gas Company and the City Steam Heating Company shall forthwith be amalgamated and shall merge in and become one amalgamated Company, to be called and known as "The City Light and Heating Company of London;" and all the real and personal estate, property, assets and effects and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the said City Steam Heating Company and the said City Gas Company, shall thereupon vest in the said amalgamated Company, and shall thenceforward for all purposes of bringing or defending actions or suits, and for all other purposes whatsoever be deemed to be and shall be stated to be the property of the said amalgamated Company; and the said amalgamated Company shall have the same powers, rights and privileges in relation to the said property of all descriptions as the said City Gas Company and said City Steam Heating Company now have or shall have at the time of such amalgamation, but no suit, action or prosecution being carried on, or power being exercised, in the name of either the said City Gas Company, or the said City Steam Heating Company shall be discontinued or abated by or on account of such amalgamation, but shall continue as if this Act had not been passed, and the said amalgamated Company shall pay or receive like costs as if the action, suit or prosecution had been commenced or been defended in the name of the said amalgamated Company.

Provisions for amalgamation of Gas Company and City Steam Heating Company.

5. The holders of all shares, which shall or may be allotted to any of the shareholders of the said amalgamated Company after such amalgamation, shall in all things be subject to the same rules, and entitled to the same rights, as the original shareholders of the City Gas Company.

Rights of shareholders after amalgamation.

6. The directors of the City Gas Company shall be the directors of the said amalgamated Company, and shall hold office till the next annual meeting of the said amalgamated Company.

Directors of amalgamated Company.

7. The creditors of the City Steam Heating Company and the City Gas Company shall, upon such amalgamation, be and become, to all intents and purposes, creditors of the said amalgamated Company, and shall have and be entitled to the same rights and privileges as creditors of the said amalgamated Company.

Provision as to creditors of City Steam Heating Company.

8. This Act shall be subject to the approval of, and shall not come into force or effect until approved by a vote of two-thirds of

Act to be approved by shareholders.

of the shareholders of each of the said Companies present in person or by proxy at meetings of the said Companies to be specially called for that purpose, and such approval, if given at all, must be given within sixty days after the passage of this Act.

CHAPTER 76.

An Act to limit the borrowing powers of the English Loan Company and to amend the charter thereof.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the English Loan Company became incorporated by Letters Patent, dated the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, issued under the authority of chapter one hundred and fifty of the Revised Statutes of the Province of Ontario; and whereas the power of the said company to borrow money is not limited to any fixed amount either by the said Act or by the said charter; and whereas the said company has, by its petition, prayed that the amount which it may borrow be limited, and that certain amendments may be made to its said charter whereby the permanency and stability of the said company may be more completely secured, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limitation of borrowing power.

1. The total amount of the sums so borrowed by the said English Loan Company on debentures, shall not at any time exceed the amount of the subscribed capital stock of the said company.

Real estate.

2. The said English Loan Company may hold absolutely real estate, for the purposes of or in connection with its place or places of business, not exceeding the annual value of ten thousand dollars, but this section shall not affect any action or suit now pending.

Votes.

3. At all annual or general meetings of the company the shareholders shall be entitled to one vote for every ten dollars paid up, or which the holder of stock may be entitled to pay up, in the capital stock of the said company, and all votes of every nature whatever at such meetings shall be taken by ballot; Provided always that the one million dollars of the second issue of stock already sold by the said English Loan Company, upon which ten per centum has been called in, may be increased

Proviso.

increased so as to permit the holders of shares in the said second issue to pay a further sum of ten per centum upon the said stock, making in all twenty per centum so paid upon the same, and stockholders representing one-third of the aggregate amount to be paid in as aforesaid, may call special meetings of the shareholders for the discharge of special business which may arise from time to time, but this section shall not be operative or take effect until ratified and confirmed at a general meeting of shareholders by a majority of the holders of stock of each issue present either in person or by proxy.

4. The company may take as security for money advanced or otherwise, any kind of real or personal security, or hold the same in trust, or as collateral security, and may sell and dispose of the same, but shall not issue any note or debenture for less in amount than one hundred dollars, or for a shorter period than one year.

Securities to be taken by company.

5. At the time of the making of each new issue of stock, the directors shall fix the amount to be called in upon the same for the ordinary operations of the company, but said amount so to be called in shall not be less than ten per cent., nor more than fifty per cent., but the whole of the present or future unpaid subscribed capital shall at all times be held subject to, and continue to be liable for, the debentures and other liabilities of the company.

New issues of stock.

6. The retirement of the whole seven directors at the last annual general meeting and the election of seven new directors at that time is hereby confirmed and declared legal and binding, notwithstanding any provision or condition in the Letters Patent incorporating the said company, and no irregularity which has heretofore occurred in the election of directors shall invalidate any of the proceedings of the company, and in the absence of any by-law to the contrary, all future elections of directors shall be made annually as provided by Statute, and the eligibility of stockholders to vote upon all or any of the proceedings of the company, or to be elected to the position of directors thereof, shall in no way be impaired by their being in arrears on the payment of any calls upon their stock, subject however to the right of the directors to make by-laws in regard thereto, in such manner and form as may be most to the interest of the company, said by-laws to take effect upon being confirmed by a vote of the shareholders at a general meeting.

Elections of directors.

CHAPTER 77.

An Act relating to Christ Church, Ottawa.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Venerable J. S. Lauder, Archdeacon of Ottawa, and Rector of Christ Church at Ottawa, and Alexander J. Cambie and William Cousens, Churchwardens of Christ Church aforesaid, have by their petition prayed that in pursuance of resolutions passed at special meetings of the vestry of said church, an Act should be passed authorizing them to issue debentures for such an amount as will be sufficient to redeem such of the debentures issued, and now outstanding, by virtue of an Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-six, and to pay a floating debt now owing by the said vestry, and such amount in the whole not to exceed the sum of twenty thousand dollars; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. The rector and churchwardens of the church aforesaid, and their successors, as such, are hereby authorized and empowered to execute and issue debentures, in currency or sterling, to such an amount as may be necessary to redeem such of the debentures issued by virtue of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-six, as are now outstanding, and to pay a floating debt now owing by the said vestry, such amount in the whole not to exceed the sum of twenty thousand dollars, in such sums not less than one hundred dollars each, at such rate of interest, and redeemable at such times and places as they may determine, and the money to be raised by the issue of the said debentures shall be applied solely to the redemption of such of the said debentures as are now outstanding, and issued by virtue of the statute aforesaid, and to payment of the said floating debt now existing, and not otherwise.

Property on which debentures charged.

2. The debentures so to be issued under this Act as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the property of the said vestry as hereinafter specified, but only, and shall in terms state that they are such charges only, upon the said property next after the debentures authorized to be issued by the said Act passed in the thirty-sixth year of the reign of Her Majesty, chaptered one hundred and thirty-six; and each holder of any of the said

said debentures issued under this Act shall be deemed to be a mortgagee, and encumbrancer, *pro rata*, with the other holders thereof, upon church lots number twenty-one, on the south side of Sparks street, and number twenty-one on the north side of Queen street, in the city of Ottawa aforesaid; and upon the parsonage lots number twenty-two, on the south side of Sparks street, and number twenty-two on the north side of Queen street, in the city aforesaid, with all buildings and edifices which now are, or hereafter may be, erected upon the four lots above mentioned, and also upon a policy or policies of insurance for the full amount of the debentures issued, to be effected upon the said buildings and edifices, but only next after the holders of the debentures issued under the said Act passed in the thirty-sixth year of the reign of Her present Majesty, and chaptered one hundred and thirty-six.

3. Subject to and next after the charges created and now existing in favour of the debentures issued under the said Act passed in the thirty-sixth year of the reign of Her present Majesty, the interest of the debentures to be issued under this Act shall be a charge upon the assessments of proprietary, and the rents of vestry pews, and subject as aforesaid, it shall be the duty of the churchwardens in each year, out of the revenues of the church, to pay the whole interest falling due in such year, and also to lay by and invest safely such sum yearly as may be required to form a sinking fund sufficient to pay off the principal of the said debentures as they respectively become due.

Interest of debentures a second charge on pew rents.

4. No person advancing money on debentures authorized by this Act to be issued, shall be in any way bound to see to the application of the money so advanced.

Purchasers not bound to see to application of money.

CHAPTER 78.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to raise ten thousand dollars to build a church and for other purposes.

[Assented to 5th March, 1880.]

WHEREAS it hath been made to appear by the petition of the Reverend John. R. Battisby and others, trustees and members of the Congregation of St. Andrew's Church in the town of Chatham, of the Presbyterian Church in Canada (formerly in connection with the Church of Scotland), that by Letters Patent bearing date the eighteenth day of September, in the year of our Lord one thousand eight hundred and thirty-seven,

Preamble.

seven, a certain parcel of land of ten acres in the said town of Chatham, and more particularly described in the said Letters Patent, was granted by the Crown to one Robert Innes and others therein named, in trust, for the benefit of the said congregation in connection with the Church of Scotland; that by the Act of the Legislature of Ontario passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, the trustees for the time being of said congregation were authorized and empowered to make sale of the whole or any part of the said lands and take mortgages to secure the purchase money or any part thereof as therein provided, and to apply a sum not exceeding three thousand five hundred dollars of the proceeds of such sale in aid of the erection of a new church; that by the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, chaptered seventy-five, entitled, "An Act respecting the union of certain Presbyterian Churches therein named," it was declared that as soon as the union thereunder should take place "all property, real or personal, within the Province of Ontario, now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body under the name of 'The Presbyterian Church in Canada;'" that it has now become desirable to extend the said church or build a larger one in lieu thereof and to sell or pledge such land or mortgages aforesaid to raise money for such purposes; and that William McNaughton, Duncan McNaughton, Hugh Malcolmson, Duncan K. McNaughton, Joseph E. Peers and Andrew Coltart (John McKay having resigned his office of trustee since the last annual congregational meeting) are the present trustees acting on behalf of the said congregation, having been duly appointed as such trustees under said first above mentioned Act; and whereas the said petitioners have prayed that additional powers may be granted to the said trustees, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands and
mortgages
vested in the
said trustees.

1. The said lands now remaining unsold and all the estate and interest therein of the grantees named in the said Letters Patent and the mortgages taken by the trustees for the time being upon the portions of said lands sold under and by virtue of the powers granted by the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and the lands mentioned in said mortgages (subject to the provisoes, terms and conditions in the said mortgages contained) shall be by virtue of this Act, and from henceforth shall be deemed to be and are hereby declared to be vested in fee-simple upon the trusts mentioned in the said patent, and subject to the provisions contained in this Act and in the said

Act

Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy (so far as they are not inconsistent with the provisions of this Act), in the said present trustees of the said congregation and their successors in office, and the successor in office of the said John McKay in the preamble to this Act mentioned, appointed and to be appointed as provided in the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and they are hereby duly authorized to carry out the intention and provisions of this Act and the said Act firstly above in this section mentioned, notwithstanding any irregularity, if any in their appointment.

2. The trustees for the time being, in addition to the power which they now have, may sell, dispose of and convey in fee simple, free from the trusts under which the same are held, the said lands yet remaining unsold, or any part thereof, by deed similar to the form contained in the schedule to the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and may, by a similar deed, sell and absolutely convey or assign, free from the trusts aforesaid, the said mortgages, or any mortgages that may hereafter be taken upon the said lands, or any portion thereof, and the lands mentioned in the said mortgages (but subject to the provisions in the mortgages contained), or mortgage, or otherwise pledge any or all the said lands or mortgages and lands therein mentioned, subject as aforesaid; and it shall be sufficient if the deeds, conveyances, mortgages, pledges or assignments, or the discharge of any mortgage now taken or hereafter to be taken by the trustees for the time being, if otherwise duly and properly authorized as by the said Act required, be made and executed by four or more of the trustees for the time being, or by the chairman and secretary for the time being of the said trustees, as in the said Act mentioned, and such purchasers or pledgees thereof shall not be bound to see to the application, or be liable for the misapplication, of the purchase or consideration money.

Additional powers granted to trustees.

May sell mortgages.

May pledge lands or mortgages.

3. The trustees for the time being, shall have power to purchase a new site on which to erect a church in the said town, if authorized so to do by a majority of the members of the congregation, in full communion, present at a meeting duly called for that purpose, in the manner and with the usual notices required to be given for such congregational meetings.

Trustees empowered to purchase a new site in said town;

4. The trustees for the time being, shall have power to apply a sum not exceeding ten thousand dollars out of the proceeds of sales of land, or of mortgages, or of moneys raised by pledge as aforesaid, in aid of the erection of a new church, or in extension of the present church building, as may be determined upon by a majority of the members of the congregation in full communion, present at any such meeting duly called as aforesaid,

and to apply a sum not exceeding \$10,000 in erecting or extending church.

said, and either on the present site or on such other site in the said town of Chatham as may be selected and purchased as aforesaid.

Trustees to invest remainder of funds.

5. The trustees for the time being, shall, after the payment of all reasonable and necessary charges and expenses, and after deducting a sum not exceeding ten thousand dollars for the purposes aforesaid, together with the price paid for the new site, if authorized to purchase as aforesaid, invest the remainder (if any) of the moneys arising from the sales, transfers, mortgages, or pledges aforesaid, as provided by the fourth section of the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy.

Vacancy caused by death or resignation of chairman or secretary.

6. In the event of the death or resignation of the chairman or secretary of the trustees for the time being, appointed annually, as in the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, is provided; or in the event of the death or resignation of the chairman or secretary appointed under and by virtue of the provisions of this section, the said trustees for the time being may appoint from their own number a chairman or secretary, as the case may be, in the place or stead of, and to have the same powers as were held or possessed by him or them so dying or resigning, and to hold office for the remainder of the annual term for which the person so dying or resigning had been appointed or elected.

CHAPTER 79.

An Act to authorize the trustees of the Presbyterian Congregation of Lobo, known as Melville Church, to sell certain lands.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Presbyterian congregation in the Township of Lobo, in the County of Middlesex, and otherwise known as Melville Church, and in connection with the Presbyterian Church in Canada, do hold in fee simple a part of the easterly and northerly part of Lot number twelve in the eighth concession of the aforesaid Township of Lobo, containing thirty acres, more or less, which said lands were conveyed to the trustees of the aforesaid congregation by deed bearing date on the eighteenth day of September, in the year of our Lord, one thousand eight hundred and fifty-five; and whereas the above mentioned congregation, at a regular meeting called for the purpose, decided to sell and convey twenty-two

two acres of the aforesaid lands, and apply the proceeds of such sale in building a manse and otherwise improving the remaining portion of the property; and whereas it was expressly provided in the said deed that the said land should not be charged, sold, or alienated by the said trustees, except for the purpose of providing another place of worship for the behoof of the said body of Christians; and whereas the trustees were at said meeting instructed to make and have made application to the Legislature of Ontario to pass an Act empowering them (the trustees) to sell and convey the aforementioned twenty-two acres of land; and whereas the congregation has received the consent of the London Presbytery and of the grantor named in the said deed as to the sale of the lands, and all requisite formalities have been complied with, and whereas it is expedient that the said twenty-two acres of land should be sold;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The trustees of the Presbyterian congregation in the Township of Lobo, of the County of Middlesex, for the time being, and their successors in office (and otherwise known as Melville Church, and in connection with the Presbyterian Church in Canada), are hereby empowered to grant, bargain, sell, and convey twenty-two acres of land, being a part of the easterly and northerly part of lot number twelve in the eighth concession of the Township of Lobo, in the County of Middlesex; and they are hereby empowered to sell and convey absolutely and freed from all trusts of whatsoever nature or kind created by or under the deed mentioned in the preamble to this Act, any twenty-two acres of the said land which they see fit, and in such quantity or quantities as they see fit; Provided Power given to Trustees to sell and convey. always, that a full description of the boundaries of the twenty-two acres or any part to be sold, shall be inserted in the deed given by the trustees to the purchaser or purchasers, and such deed of conveyance shall be valid and binding upon all parties thereto, and provided moreover that no part of the said Proviso. twenty-two acres, so authorized to be sold and conveyed, shall include that part of the said land whereon is now situate and being the church of the said congregation and the burial-ground used in connection therewith.

2. The said trustees shall hold the proceeds of such sale or sales, as the case may be, in trust to apply the same in the building of a manse for the use of the clergyman of the said congregation for the time being; and in the improvement of the portion of the said land that may not be sold under the authority of this Act. Application of proceeds of sale.

CHAPTER 80.

An Act to authorize the Rector and Churchwardens of St. Paul's Church, in the City of London, to lease, mortgage, or sell certain lands heretofore known as "Saint Paul's Cemetery," and for other purposes.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the Rector and Churchwardens of Saint Paul's Church in the city of London have by their petition set forth that the municipal council of the corporation of the village of London East have by by-law prohibited the interment of the dead within the said village from and after the first day of June, one thousand eight hundred and eighty, whereby the property known as "Saint Paul's Cemetery" situate within said village of London East, and being part of the north half of lot number eleven in concession C of the township of London, bounded on the north by Dundas street, on the west by Rectory street, on the south by Campbell street, and on the east by Queen's Park, and containing twenty-six acres or thereabouts, will from and after that date be closed for burial purposes; and that the said rector and churchwardens have recently purchased certain lands near the said city of London being parts of lots numbers thirty-five and thirty-six in the broken front concession of the township of Westminster containing fifty-seven and a half acres or thereabouts, as a site for a cemetery called and known as "Woodland Cemetery," in lieu of the cemetery so to be closed as aforesaid, and have incurred great expense in fencing, erecting necessary buildings, and laying out a portion thereof, and will incur further expense in laying out and beautifying the same, and that it has become expedient forthwith to dispose of the unoccupied portions of Saint Paul's Cemetery, and to dispose of the residue in portions or lots, when and as the same from time to time become unoccupied, and that power be obtained to lease, mortgage or sell the same, to which the consent of the vestry of Saint Paul's Church and of the Bishop of the Diocese of Huron and of the executive committee of the Synod of the said Diocese has been obtained, in accordance with the provisions of the Act respecting the Property of Religious Institutions, and the amendments thereto; and that Saint Paul's Cemetery was purchased in two parcels from Lawrence Lawrason, Esquire, on behalf and for the use and benefit of the congregation of Saint Paul's Church for cemetery purposes in connection with the said church and for no other purpose, and that through mistake the conveyance of one parcel was made to the Rector of Saint Paul's Church and his successors, and of the other parcel to the Bishop of the Diocese of Huron and his successors, instead of to the Rector and churchwardens of the said church and their successors,

and

and that it is desirable to correct such mistake ; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The land and property known as "Saint Paul's Cemetery" situate in the village of London East, is hereby vested in the rector and churchwardens of Saint Paul's Church in the city of London and their successors for all the estate, right, title, possession, property and demand whatsoever of the rector of Saint Paul's Church in the city of London and the Bishop of the Diocese of Huron and their respective successors therein.

Title to St. Paul's Cemetery vested in Rector and Churchwardens of St. Paul's Church.

2. The said rector and churchwardens shall have full power and authority, after giving notice as hereinafter required, to remove of their own accord and at their own expense all the remains of the dead now interred in that portion of Saint Paul's Cemetery situate on the south side of a line one hundred and forty-eight feet north of and parallel to the northerly limit of York street, known as the "free ground," from the said place of interment to Woodland Cemetery aforesaid, and the remains of the dead so removed shall be decently interred there at the expense of the said rector and churchwardens.

Remains of dead may be removed from the "free ground" forthwith.

3. The said rector and churchwardens shall also have full power and authority, after giving notice as hereinafter required, to remove of their own accord and at their own expense and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in that portion of Saint Paul's Cemetery lying north of a line fifty-five feet north of and parallel to a line formed by the continuation of the northern limit of King street, from the said place of interment to Woodland Cemetery aforesaid, and the remains of the dead so removed shall be re-interred at the expense of the rector and churchwardens in burial places or plots corresponding in size, as nearly as may be, with those from which such remains shall have been removed.

Remains of dead may be removed from part of cemetery after notice.

4. The said rector and churchwardens before removing the remains of the dead, in the last two preceding sections authorized, shall during the period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the city of London, which said notice shall set forth the powers in the last two preceding sections granted, and that persons owning burial lots in Saint Paul's Cemetery from which the remains of the dead are sought to be removed, will, upon removing the said remains to Woodland Cemetery aforesaid, receive conveyances of burying plots in the last named cemetery, corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed ;

Notice of removal.

and

and the said rector and churchwardens shall be required to procure and furnish such conveyances, and to pay all reasonable expenses incurred or sustained in or by reason of such removal and re-interment of said remains in Woodland Cemetery aforesaid.

Power to lease,
mortgage or
sell lands.

5. It shall be lawful for the said rector and churchwardens and they are hereby authorized by deed to lease, mortgage, or sell and convey in fee simple or for any lesser estate, all those portions of Saint Paul's Cemetery now unoccupied by burial of the remains of the dead, and which from time to time may become unoccupied, and they are hereby authorized to sell the same either by public auction or private contract, and either for cash or on credit, and in such parcels, for such prices, and upon such terms and conditions as may be deemed expedient, and the said rector and churchwardens are empowered to so lease, mortgage, or sell and convey as aforesaid the said lands freed and discharged from all trusts under which they are now held, and of and from all right, title, interest, claim, and demand of any person or persons who may have purchased lots for burial purposes in Saint Paul's Cemetery aforesaid, or of their representatives, and the lots to be conveyed to such persons in Woodland Cemetery aforesaid shall be accepted by the said persons in lieu of the lots purchased by them in Saint Paul's Cemetery, and in lieu of all right, title, interest, claim, or demand they may have in respect thereof.

Power to
accept mort-
gages.

6. Should the said rector and churchwardens sell under the provisions of this Act, the said lands or any parts thereof, and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and power of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Care to be
taken that all
remains are re-
moved before
sale of land.

7. It shall be the duty of the said rector and churchwardens to use due care and diligence that all the remains of the dead have been removed from such portions of Saint Paul's Cemetery as they may lease, mortgage or sell as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold if it shall be made to appear to the county judge of the county of Middlesex for the time being and if he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold; and such certificate shall be registered in the registry office

office for the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

8. The said rector and churchwardens shall keep the central part of Saint Paul's Cemetery, in which there are interments, and from which the remains of the dead are not sought to be removed under sections two and three of this Act, properly fenced and in decent and becoming order as a cemetery, until the remains of the dead shall have been removed therefrom, and shall allow free access thereto at reasonable times to those having relatives or friends buried there.

Part of cemetery from which remains not removed to be kept in proper order.

9. All deeds and conveyances made under this Act may refer thereto in manner or to the effect following:—

Reference to Act in conveyances.

This indenture made the day of in the year of our Lord under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the forty-third year of Her Majesty's reign, chapter intitled "An Act to authorize the Rector and Churchwardens of Saint Paul's Church in the city of London to lease, mortgage or sell certain lands heretofore known as 'Saint Paul's Cemetery' and for other purposes."

CHAPTER 81.

An Act to amend the Act incorporating Alma College.

[Assented to 5th March, 1880.]

WHEREAS the corporation of Alma College, constituted under the Act of the Legislature of the Province of Ontario, passed in the fortieth year of Her Majesty's reign, chaptered sixty-four, hath by its petition set forth: that in pursuance of the said Act of incorporation lands have been purchased in the town of Saint Thomas, and buildings erected thereon, for the purposes of the college, which are now nearly ready for use and occupation, at a cost, when fully equipped and furnished, of about fifty thousand dollars; and whereas a large portion of the said sum has been subscribed, but is not yet due or payable by the terms of the said subscription; and whereas it is desirable to provide for the immediate payment of debts arising from the contracts for building and otherwise, and for that purpose to invest the said corporation with the additional power of pledging the lands of the said college by way of mortgage, over and above the powers already conferred by said Act of incorporation; and whereas the said corporation hath

Preamble.

prayed

prayed that the said power may be given, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Board of management authorized to mortgage college and lands.

1. In addition to the powers conferred by the said Act, the board of management of the said college for the time being, or a majority of them present at any regular meeting, or at a special meeting called for the purpose, may negotiate and enter into contracts with any person or persons, corporation or corporations, for borrowing and repaying from time to time such sum or sums of money, for such terms of years, and at such a rate of interest, as in their discretion may seem best ; and for that purpose may pledge or mortgage the college, and the lands acquired or to be acquired by the said corporation of Alma College, or any part thereof, as security for the repayment of the loan or loans thus to be effected, and the interest accruing thereon ; and the president and secretary of the said corporation may, under the directions of the board of management, or a majority of the members, as above stated, under the corporate seal, execute such mortgage or mortgages as may be necessary until such subscriptions are all collected and all debts of the corporation are fully discharged and paid therewith ; and the whole of the moneys so borrowed shall be disposed of by the said board in liquidating and discharging debts now due or hereafter to become due on account of the said college, either for the completion, extension or enlargement of the present buildings or the erection of new ones ; for the furnishing the same with proper furniture and apparatus ; for the establishment and maintenance of a library, or for any other purpose that may be within the objects of the said corporation according to the intention of the said Act of incorporation : Provided always, that no power or authority hereby granted or given shall, if exercised, in any manner, affect, prejudice, or invalidate any lien, priority, right, or encumbrance (if any such there be) heretofore given, granted or created by or on behalf of the said corporation upon the said land, property, and premises or any part thereof.

Proviso.

S. 3 of 40 Vic.,
c. 64, amended.

2. Section three of the said Act is amended by inserting the word " mortgage " after the word " sell " in the nineteenth line and before the word " alienate " in the twentieth line thereof.

S. 4 amended.

3. Section four of the said Act is hereby amended by changing the initial letter " J " into " I " in the eleventh line, that the name may read I. B. Aylesworth ; by inserting the letter " J " between the letters " D " and " H " in the proper name of the Judge of the county of Elgin, and by making the word " Evoy " in the eighth line read " Elroy."

Vacancies in

4. Notwithstanding the provisions of the fifth section of the said

said Act the board of management, or a majority of the members present at a regular meeting thereof, in the intervals of the meetings of the general conference of the Methodist Episcopal Church of Canada, may accept the resignation of any member tendering the same, and may fill up vacancies created by death, resignation, removal from the Province or otherwise; and the member so appointed shall hold office until the next meeting of the said general conference.

5. No person advancing or loaning any money to the said corporation shall, in any way, be bound to see to the application of the money so advanced or loaned.

Persons advancing money not bound to see to application thereof.

6. The Act heretofore referred to and this Act shall be read as one Act.

40 Vic., c. 64, and this Act to be read as one.

CHAPTER 82.

An Act respecting the Sisters of Saint Joseph of the Roman Catholic Diocese of Hamilton.

[Assented to 5th March, 1880.]

WHEREAS "The Sisters of Saint Joseph, of the diocese of Hamilton," have by their petition set forth that they were incorporated under the provisions of Chapter one hundred and sixty-seven of the Revised Statutes of Ontario, and have established an institution in the Roman Catholic diocese of Hamilton, for the reception and instruction of orphans, and have opened an asylum for the relief of the poor, the sick, and other necessitous; that certain lands hereinafter described have been purchased for the said corporation by a priest of the diocese of Hamilton, aforesaid, who has caused and procured a conveyance of the said lands to be made to the said corporation; that the said lands exceed yearly or annual value the amount authorized to be taken and held by the said corporation under section thirteen of the said Act, but are less in value than the amount authorized to be taken and held by section twelve of the said Act; that the said lands and property were not acquired by the said corporation for any purposes of profit, but solely for the objects of the said corporation and the uses thereof; and whereas the said corporation have by their petition aforesaid prayed that their title to said lands may be confirmed, and that they may be permitted and allowed to hold the said property free from the restrictions imposed by the thirteenth section of the said Act, and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent
w of

of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Conveyance of
certain lands
confirmed.

1. The conveyance of lot lettered F in the plan or survey of lots numbers fifty-one and fifty-two, in the first concession of the township of Ancaster, as laid out by F. H. Lynch Staunton, P.L.S., for B. B. Osler, Esquire, from the trustees of the "Star Life Assurance Company, of London, England," to the "Roman Catholic Episcopal corporation of the diocese of Hamilton, in Ontario," and the conveyance of the said lands from the said "Roman Catholic Episcopal corporation of the diocese of Hamilton, in Ontario," to the said "The Sisters of Saint Joseph, of the diocese of Hamilton," are and each of them is hereby confirmed; and the said lands are hereby vested in the said "The Sisters of Saint Joseph, of the diocese of Hamilton," in as full and ample a manner as if the said "Sisters of Saint Joseph, of the diocese of Hamilton," had been the purchasers thereof, and the said lands shall and may be held, possessed, and enjoyed by the said "Sisters of Saint Joseph, of the diocese of Hamilton," so long as the same shall be required, used, and occupied for the uses and purposes of the said last mentioned corporation.

Power to
apprentice
children.

2. The said "Sisters of Saint Joseph, of the diocese of Hamilton," shall have full power and authority to apprentice or bind out to any healthy trade, business, or occupation, the children received into the said institution, and shall have and may exercise over and with respect to them the same powers, rights, and authority as their parents if living would and might have, and exercise.

CHAPTER 83.

An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust.

[Assented to 5th March, 1880.]

Preamble.

WHEREAS the managers of the temporal affairs of the Congregation of Presbyterians in the Town of Peterborough, known as the Congregation of St. Andrew's Church, have by their petition represented that the said congregation was entitled under the deed of trust, referred to in the preamble of the said Act of incorporation, to be represented on the board of trustees of the said William Hall Peterborough Protestant Poor Trust, by two trustees selected from the said congregation, and that three of the trustees on the said board, representing the Presbyterian Church in Canada, namely: Frederick William Haultain, William Hamilton Taylor and Robert Fairbairn are now members or adherents of the congregation

gregation of St. Paul's Church in Peterborough, and another member of the said board, representing the said Presbyterian Church in Canada, namely, John Carnegie, is a member or adherent of the congregation of St. Andrew's Church in Peterborough: and, whereas it is desirable that as to such one of the said members or adherents of the congregation of St. Paul's church firstly hereafter ceasing to be a member of the said board, his successor shall be elected by the congregation of St. Andrew's Church so as to permanently ensure to the said congregation a representation thereafter of two members on the said board, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The present board of trustees of the said trust, namely: Present trustees continued.
 Frederick William Haultain, William Hamilton Taylor, Robert Fairbairn and John Carnegie as representing the Presbyterian Church in Canada; Alfred Passmore Pousette as representing the Church of England, Thomas Willan Robinson as representing the Wesleyan Methodist Church in Canada, Alexander Gillespie as representing the regular Baptist denomination, and William Yelland as representing the Bible Christian Church in Canada, shall be and remain the trustees of the said board until they respectively die, resign, or hereafter become incapable of acting, or disqualified, as hereinafter provided.

2. Whenever it first happens that a vacancy is created in the said board by one of them the said Frederick William Haultain, William Hamilton Taylor, or Robert Fairbairn hereafter ceasing to be a member of the said board, it shall be the duty of the secretary of the board to forthwith notify the minister of said St. Andrew's Church of such vacancy, and thereupon the congregation of the said St. Andrew's Church shall proceed to the election of a successor to the said trustee as if the said trustee had been a member of the congregation of St. Andrew's Church. Election by congregation of St. Andrew's Church of a trustee.

3. Subject as hereinbefore provided and to the provisions in this Act contained, the said trust shall consist of a board of eight trustees, all resident in the County of Peterborough, two of whom shall be members or adherents of St. Paul's, and two of St. Andrew's Congregation, of the Presbyterian Church in Canada, in the Town of Peterborough, one a member or adherent of the Church of England, in the Town of Peterborough, one a member or adherent of the Wesleyan Methodist Church in Canada, in the Town of Peterborough, one a member or adherent of the Regular Baptist Denomination, in the Town of Peterborough, and one a member or adherent of the Bible Christian Church in Canada, in the Town of Peterborough, and in the event of any of the said trustees or their successors Number and qualification of trustees.

cessors hereafter ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, he shall thereupon become disqualified, and his seat on the said board shall thereupon become vacant, and a certificate signed by the minister of such congregation, or denomination, setting forth that such trustee has ceased to be a member or adherent of such congregation or denomination, shall be notice to the secretary of the said board of such disqualification, and thereupon the said secretary shall notify in writing the trustee whose disqualification is so certified to him of the receipt by him of the said certificate, and unless within ten days from the mailing of such notice to the said trustee, he disputes in writing the truth of the said certificate, the secretary of the board shall take the necessary steps for the election of a successor to such trustee, as provided by this Act.

Mode of appointing trustees.

4. From and after the passing of this Act, and subject nevertheless to the provisions in this Act contained, in the event of any of the said trustees or any future trustee dying or resigning or hereafter becoming incapable of acting, or disqualified by reason of his hereafter ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, or of his ceasing to reside in the said County of Peterborough, a successor to such trustee so dying or resigning or becoming incapable to act or disqualified shall be appointed in the manner following:—Upon the happening hereafter of any of the events aforesaid it shall be the duty of the secretary of the said board forthwith to notify the minister of the congregation, to which such trustee so dying or resigning or becoming incapable or disqualified belonged at the time of his appointment, of such event having happened, and such minister shall as soon thereafter as convenient call a meeting of his congregation, in the manner in which it is usual to call congregational meetings according to the ordinances of his church, for the purpose of electing a successor to the trustee so dying or resigning or becoming incapable or disqualified, and such new trustee shall be elected by the majority of the members of the said church present at the said meeting, and the said minister shall thereupon certify such election to the secretary of the said board, whose duty it shall be to record such election in the minute book of the board, setting forth the date of such election, and the congregation represented by such new trustee.

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